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New York

President:	Mr. Araud	(France)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Li Baodong
	Colombia	Mr. Osorio
	Gabon	Mr. Messone
	Germany	Mr. Wittig
	India	Mr. Manjeev Singh Puri
	Lebanon	Mr. Salam
	Nigeria	Mr. Amieyeofori
	Portugal	Mr. Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Mrs. DiCarlo

Agenda

Protection of civilians in armed conflict

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President (*spoke in French*): Under rule 37 of the Council's provisional rules of procedure, I should like to invite the representatives of Armenia, Australia, Austria, Azerbaijan, Bangladesh, Botswana, Canada, Chile, Croatia, Cuba, Italy, Japan, Kenya, Liechtenstein, Mexico, Morocco, the Netherlands, Nicaragua, Norway, Peru, Qatar, the Republic of Korea, Slovenia, Sri Lanka, Switzerland, the Syrian Arab Republic, Turkey, Ukraine, the United Arab Emirates, Uruguay and the Bolivarian Republic of Venezuela to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations; and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights and Head of the New York Office of the Office of the United Nations High Commissioner for Human Rights, to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Pedro Serrano, Acting Head of the delegation of the European Union to the United Nations, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Ms. Valerie Amos.

Ms. Amos: I will focus my remarks today on the pressing need to ensure more effective protection for civilians in the conduct of hostilities.

The deliberate targeting of civilians or other flagrant disregard for their well-being in violation of international humanitarian law during hostilities results in hundreds being killed, injured, maimed and traumatized every week. Recent events in Libya and Côte d'Ivoire are the latest examples of this, but other situations also demand our attention. This initial failure to respect the law is almost always the precursor to further violence, suffering and trauma inflicted upon civilians, including massive displacement within and across borders.

In the six months since my last briefing (see S/PV.6427), we have witnessed an unprecedented series of crises in parts of the Middle East and North and sub-Saharan Africa. I am concerned at the violence levelled against civilians in Bahrain, Yemen and, more recently, Syria, and at the loss of life and other human rights violations. In Syria, reports of the deployment of tanks and of the shelling of residential areas are alarming.

Of particular concern, however, was the deterioration of the situations in Libya and Côte d'Ivoire into armed conflict. There have been serious allegations of violations of the rules regulating the conduct of hostilities in both these countries. As I reported to the Council yesterday in my briefing on Libya (see S/PV.6530), civilians continue to be killed and injured by fighting between Government and opposition forces, especially in Misrata and the Western Nafusa mountains. Indiscriminate rocket and mortar attacks on densely populated areas of Misrata, as well as sniper attacks, continue to cause civilian casualties. There are also concerns over civilian casualties resulting from coalition air strikes.

The fighting in Misrata has limited the population's access to food, water and other basic commodities. Medical facilities are short of supplies and trained personnel. This is particularly troubling given the continuous heavy fighting in the city, as are reports of attacks on ambulances transporting the wounded to these facilities. The shelling and mining of Misrata port is also hampering efforts to supply urgently needed aid and to evacuate those, including the sick and wounded, who want to leave. I will continue to call upon all parties to agree to a temporary cessation of hostilities in Misrata on humanitarian grounds, to allow those who wish to flee to do so, and to enable humanitarian personnel to comprehensively assess the situation and bring more aid.

In Côte d'Ivoire, November's post-election crisis degenerated into a conflict marked by increased violence that seriously affected the civilian population. Direct attacks against civilians, indiscriminate shelling, sexual violence, and attacks against humanitarian workers and peacekeepers have all been reported and must be investigated without delay. There are still an estimated 150,000 internally displaced people in

western Côte d'Ivoire and a further 177,500 Ivorians registered as refugees in several West African nations, including nearly 160,000 in Liberia, though these numbers change as people move back and forth across the border.

At the height of the violence, humanitarian workers experienced immense difficulty in accessing people in need due to the fighting and to the checkpoints and blockades established in Abidjan by the parties to the conflict. These checkpoints and blockades were often the scene of the harassment and obstruction of humanitarian workers. The situation was further compounded by attacks on United Nations peacekeepers and the theft of humanitarian vehicles, equipment and supplies. Humanitarian organizations were forced either to limit their movements or to suspend activities altogether. While the violence has subsided, the humanitarian situation remains precarious and our access to those in need in Abidjan and elsewhere continues to be hampered by pockets of instability due to violence by militias.

In Libya, the reported use of cluster munitions and Grad rockets by Government forces in Misrata marks the latest development in a broader pattern of the use of explosive weapons in densely populated areas by Government, as well as opposition and coalition forces. In one incident alone on 14 April, an attack involving Grad rockets reportedly killed a dozen civilians and wounded many more as they queued to buy bread. In Côte d'Ivoire, at least 25 civilians were killed and more wounded in a single incident on 17 March in which a market was shelled in the Abobo district of Abidjan.

Explosive weapons have an immediate and indiscriminate impact, killing and injuring those caught in the blast radius, including civilians, while the damage to buildings and infrastructure hampers longer-term reconstruction and development. I reiterate my call on parties to conflict to refrain from the use of these weapons in densely populated areas.

While Libya and Côte d'Ivoire have recently occupied the headlines, civilians in other conflicts continue to be killed and injured as the parties fail to comply with their obligations in the conduct of hostilities.

In Somalia, civilians continue to bear the brunt of fighting between militants and forces of the Transitional Federal Government and the African Union. During 2010, over 7,000 civilians reported weapons-related injuries in Mogadishu — the highest number of civilian casualties in a decade. Children accounted for 20 per cent of those injured.

In eastern Democratic Republic of Congo, conflict persists, with direct attacks against civilians by foreign and Congolese armed groups. Some elements of the national security forces continue to be implicated in these violations. Sexual violence, including rape, remains a defining characteristic of the conflict. At the end of 2010, some 1.7 million people remained internally displaced, 1.3 million of them in the Kivus. In the north-east of the country, the Lord's Resistance Army (LRA) continues to pose a grave threat to civilian populations, as well as in neighbouring Central African Republic and southern Sudan. During the first quarter of this year, 107 LRA attacks — which routinely include the killing, rape, beating and abduction of civilians — were reported across the three countries.

In southern Sudan, following the relative stability of January's referendum, the security situation has deteriorated sharply. Intercommunal conflict and clashes between the Sudan People's Liberation Army (SPLA) and increasingly active militia groups have reportedly killed over 1,100 people, the majority civilians, and displaced over 116,000. Reports indicate that SPLA soldiers have targeted or fired indiscriminately at civilians and burned and looted homes. In Darfur, fighting between Government and rebel forces remains a major source of insecurity and displaced an estimated additional 70,000 people during the first three months of this year.

In Colombia, civilians continue to be affected by the armed conflict and the actions principally of guerrilla groups and new armed groups that have emerged following the demobilization process. These groups continue to use landmines and improvised explosive devices, with over 150 civilians killed or injured by such weapons in 2010. Civilians have been killed and injured in attacks against military units located in and around homes and schools. The Government estimates that over 111,000 people were forcibly displaced last year due to the conflict, bringing the total number of internally displaced persons to 3.6 million.

March and April of this year witnessed an escalation in violence in Gaza and southern Israel, with

one Israeli child killed and three Israelis injured. Fifteen Palestinian civilians, including six children, were killed and 104 injured, 37 of them children.

In Afghanistan, over 7,000 civilians were killed or injured in 2010 — an increase of 19 per cent over 2009. Anti-Government elements were reportedly responsible for over 5,000 of those deaths and injuries. Military operations by pro-Government forces accounted for some 800 civilian casualties. Improvised explosive devices and suicide attacks in civilian areas continue to cause large numbers of civilian deaths and injuries. The Taliban's declaration on 1 May of the start of a spring offensive is of great concern.

The recent report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka found that some 40,000 civilians may have died in the final stages of the conflict and that credible allegations existed of human rights and humanitarian law violations by both parties to the conflict. Some of those violations may amount to war crimes and crimes against humanity. International law requires that these allegations be properly investigated.

When it comes to protecting civilians in the conduct of hostilities, the picture is stark. It will remain so in the absence of determined efforts by parties to conflict to comply with the law. Clear and binding rules regulating the conduct of hostilities exist. It is the willingness of parties to conflict to respect and ensure respect for those rules, including through the rigorous pursuit of accountability, that is absent.

Enhancing compliance with international law, particularly in the conduct of hostilities, is the first of the five core challenges identified in the last two Secretary-General's reports on the protection of civilians (S/2010/579 and S/2009/277). As those reports made clear, aside from the fundamental responsibility on all the parties to conflict themselves, the Security Council too has a responsibility to promote compliance: first, by using all available opportunities to condemn violations and to remind parties of, and demand compliance with, their obligations; secondly, by applying targeted sanctions against the leadership of parties that routinely violate their obligations to respect civilians; and, thirdly, by promoting accountability, including by mandating commissions of inquiry to examine situations where concerns exist regarding serious violations, with a view to identifying the perpetrators and ensuring their prosecution at the national level, or referring the situation to the International Criminal Court (ICC).

The Council's responses to the crises in Libya and Côte d'Ivoire have raised questions that need to be addressed. First, in terms of consistency of approach, resolution 1970 (2011) on Libya essentially followed the course laid out by the Secretary-General in the reports to which I have just referred. The Council condemned the violations, demanded compliance with the law, imposed the arms embargo and targeted sanctions and referred the situation to the ICC. The latter action in particular is believed to have prompted some in positions of power in Libya to reflect on their role in the violence and, subsequently, to defect from the Government. It is not clear whether the imposition of similar measures in regard to Cote d'Ivoire, and at an earlier stage of the crisis, might have prompted similar action by influential individuals and prevented the further deterioration of the situation.

The adoption of resolution 1973 (2011) on Libya and the authorization and subsequent use of force and other measures to protect civilians has prevented civilian deaths and injury. But it has also raised concerns in terms of the potential undermining of the protection of civilians agenda and its important role in providing a framework for action in future crises. In addition to complying scrupulously with international humanitarian law, the implementation of the Council's decision must be exclusively limited to promoting and ensuring the protection of civilians.

The events of the past few months have provided a compelling reminder of the fundamental and enduring importance of the Council's protection-of-civilians agenda. Moreover, they have underscored the need to ensure that the commitments therein, as expressed in the five thematic protection-of-civilians resolutions and the aide-memoire (see S/PRST/2010/25), translate into concerted Council action in response to violations of the law as we have seen in Côte d'Ivoire and Libya, Afghanistan, the Democratic Republic of the Congo and Somalia.

Demanding compliance with the law and enforcing such demands through targeted sanctions are critically important actions that the Council can take to enhance compliance. The Council also has a key role in promoting genuine accountability for serious violations, the absence of which serves to encourage rather than deter violations. The Council must be

comprehensive and consistent in its approach and consider all situations requiring attention and action.

The President (*spoke in French*): I thank Ms. Amos for her briefing.

I now give the floor to Mr. Alain Le Roy.

Mr. Le Roy (*spoke in French*): I would like to thank the Security Council for this opportunity to brief it on the recent efforts of the Department of Peacekeeping Operations to better protect civilians in the framework of the seven peacekeeping operations with such a mandate, which daily respond to constantly evolving challenges. There have been several significant developments since the Council last debated this issue, on 22 November 2010 (see S/PV.6427).

We have of course maintained regular dialogue with Member States on this important issue, and in particular with the Special Committee on Peacekeeping Operations — the so-called Committee of Thirty Four (C-34). This year, the Committee has held several useful in-depth discussions on this issue. We have developed a strategic framework for the protection of civilians that includes the use of the political process to provide protection, protection against physical violence and the medium- and long-term establishment of an environment in which the rights and security of civilians are protected. The C-34 has taken stock of the progress that has been made, in particular in the areas of training, supporting missions in developing strategies to protect civilians and identifying the necessary resources and capacities to carry out mandates to protect civilians. We have been encouraged to continue to work with missions to improve our implementation of protection mandates, in particular by improving coordination both at Headquarters and in the field and by evaluating how tools such as benchmarks can help to measure the progress made in protecting civilians.

With regard to direct physical protection by peacekeeping operations, it seems to me important to point out that, during the deliberations of the Special Committee, some Member States expressed concerns with regard to relations between missions and host Governments when it comes to protecting civilians. Those concerns focused on host Governments' primary responsibility to protect civilians, as well as no the fact that peacekeeping operations are there to support the authorities of the host country to that end. The Department of Peacekeeping Operations continuously reiterates that Security Council mandates for the protection of civilians do not take the place of sovereign responsibilities. The protection of civilians is, and will continue to be, primarily the responsibility of the host Government. Allow me to give some examples in that regard.

In Côte d'Ivoire, as the Council is aware, the United Nations Operation implemented the robust provisions of resolution 1975 (2011), which required the use of all necessary means to prevent the use of heavy weaponry against civilians. As in the past, the Mission today continues to carry out its clear mandate to protect civilians.

In the Democratic Republic of the Congo, the United Nations Organization Stabilization Mission continues to improve its methods — through temporary bases, its well-known joint protection teams, its liaison officers to various populations groups and many other means — to provide additional and improved protection to civilians on a daily basis. In the past month, the Mission has achieved a certain degree of success in combating impunity for those who perpetrate violence against civilians.

Similar efforts are being undertaken in the other missions with protection-of-civilian mandates, namely, in Liberia, Haiti, Lebanon, South Sudan and, of course, Darfur. With regard to the latter, members may perhaps have taken note of the recently improving access by humanitarian workers to the Jebel Marra region.

(*spoke in English*)

As we plan for the United Nations role in South Sudan, we see that the protection of civilians will play an important role in the context of supporting State authority. With the primary objective of strengthening the capacity of the nascent Government of South Sudan to assume its sovereign responsibilities, and taking into consideration the requirement to protect civilians in what is still a potentially volatile security environment, we have looked at how the successor to the United Nations Mission in the Sudan (UNMIS) could provide the required support during this critical time.

The Mission's potential role in protecting civilians is not about replacing the Government of South Sudan's responsibility in this respect, but about assisting it to protect civilians where it does not have the capacity to do so. In this regard, many elements, including civilian peacekeepers, have a critical role to

play. We count on members of the Security Council and other Member States to ensure that the successor mission to UNMIS will have the adequate capabilities — inter alia, in terms of mobility and engineering — to fulfil this important mandate.

Supporting host Governments to ensure that their civilians are protected in the immediate aftermath of conflict is, as we all know, an immensely complex endeavour. On our end, we are working closely with our missions, as well as with the Member States that contribute troops and police to them, to improve both our understanding and our implementation of protection of civilian mandates. To this end, we have now finalized guidance to assist missions in developing comprehensive protection of civilians strategies and developed scenario-based protection of civilians training modules, and we will soon be consulting with troop and police contributors on a detailed matrix that identifies the resources and capabilities required for the implementation of protection of civilians mandates. We will be undertaking additional initiatives to ensure that this work translates into improved protection in the areas in which we work.

These efforts must be complemented by the Council's sustained political support. The protection of civilians in United Nations peacekeeping operations is often carried out in extremely challenging circumstances, in many cases with tremendous political complexities. Ultimately, the protection of civilians is assured by stable political outcomes, and the Security Council's role in ensuring that parties stay on the path to peace is always critical. The Council's role in helping us to ensure that we have the right and adequate capabilities to implement this kind of mandate is, of course, critical. The Council's unflagging support in these situations is a sine qua non if we are to take forward our mandated tasks and improve the lives of civilians whom we are deployed to support.

The President (*spoke in French*): I thank Mr. Leroy for his briefing.

I now give the floor to Mr. Šimonović.

Mr. Šimonović: I appreciate this opportunity to address the Security Council on the issue of ensuring greater protection of civilians in situations of armed conflict, on behalf of the High Commissioner for Human Rights. Since this matter was last discussed at the Council, in November 2010, the dramatic unfolding of events in the Middle East, North Africa and Côte d'Ivoire has clearly illustrated that the denial of human rights — including civil, cultural, economic, political and social rights — is a root cause of discord, unrest, violence and, ultimately, armed conflict. Protecting human rights prevents conflicts, and accountability for violations of human rights breaks the cycle of violence.

Let me start by turning to three situations where the United Nations has no peace mission but where there is an immediate risk to human life or a need to establish accountability for human rights violations.

The first of these is Libya. Concern for the safety of civilians in Libya led this Council to authorize all necessary measures to protect civilians and to refer the situation to the International Criminal Court. In order to minimize civilian casualties, it is critical that all parties to the conflict fulfil their obligations to confine any attacks to military objectives.

In a related effort to establish accountability, the Human Rights Council mandated an international commission of inquiry to investigate alleged violations of international human rights law. Supported by a secretariat led by the Office of the High Commissioner for Human Rights (OHCHR), the commission of inquiry recently concluded investigative missions to Libya, Egypt and Tunisia. The commission will submit its report to the Human Rights Council next month.

In Syria, we must prevent the ongoing violent suppression of mass protests from plunging the country into a full-fledged armed conflict. At the request of the Human Rights Council, our Office is preparing to dispatch a mission to Syria to investigate alleged violations of international human rights law. A preliminary report will be provided to the Human Rights Council in June, and full findings in September.

Also in the context of the fight against impunity, we welcome the recent release of the report of the Secretary-General's Panel of Experts on accountability in Sri Lanka, which concludes that there are credible allegations of a wide range of serious violations of international law committed by both Sri Lankan Government forces and Tamil Tigers in the final stages of the conflict. We urge the Government to implement the measures recommended by the Panel in order to bring relief to victims and advance longer-term reconciliation. We fully support the recommendation to establish an international mechanism to monitor

national investigations and undertake its own, as necessary.

I would now like to mention briefly several other situations of current concern, where United Nations missions mandated by this Council already exist but where civilians remain at risk and where the question of accountability for violations of human rights requires attention.

The first is Côte d'Ivoire, where we remain concerned about reports of sporadic fighting between pro-Gbagbo militias and the Forces Républicaines and of associated civilian casualties, including in the Yopougon district of Abidjan, where on Friday the human rights division of the United Nations Operation in Côte d'Ivoire found 68 bodies in several mass graves. The Government of President Ouattara must urgently adopt measures to restore the rule of law throughout Côte d'Ivoire and to investigate and prosecute all those responsible for the recent and ongoing violations, regardless of their political affiliation.

The international commission of inquiry on Côte d'Ivoire that was mandated by the Human Rights Council arrived in the country on 4 May. It will conduct field investigations across Côte d'Ivoire and neighbouring countries and will present its findings to the Human Rights Council in June. OHCHR has established a secretariat to assist the commissioners, comprised of staff from our Office, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, and UN Women. As requested in Security Council resolution 1975 (2011), the report of the commission of inquiry will be transmitted to this Council.

These accountability measures must be accompanied by further reconciliation efforts. President Ouattara has requested OHCHR to advise the Government on the establishment of a truth and reconciliation commission, and we are in contact in this respect.

In the Democratic Republic of the Congo, in follow-up to the recent mapping report, the Government is preparing to establish a special chamber to investigate serious violations of international law, including mass killings, sexual violence and displacement, and to prosecute the perpetrators. However, as we have recently discussed with the Minister of Justice, the current draft law needs to be amended to guarantee the inclusion of a sufficient international component and to protect the independence and integrity of the process.

Let me now touch upon two further situations ahead of the Security Council's upcoming mission. In the case of Somalia, there is an urgent need to identify ways to strengthen protection of civilians in a highly insecure environment, including through reinforcing the capabilities of the existing peacekeeping forces on the ground. In the case of South Sudan, in defining a new mandate, detailed information on the human rights situation in all parts of the country should be taken into account. Equally important is the inclusion of robust language on human rights protection and promotion.

Let me conclude. In recent years, almost every integrated peace mission has included a human rights component, appropriately reflecting our shared conviction that the maintenance of peace and security depends upon respect for human rights. This positive development must continue. The human rights components contribute to the protection of civilians in numerous ways, including through monitoring, public reporting and building the capacity of national authorities to strengthen respect for human rights and the rule of law. As far as sexual violence is concerned, the scale of the problem requires reinforced efforts. In accordance with the letter and spirit of Security Council resolutions 1888 (2009) and 1960 (2010), OHCHR is in discussion with all relevant United Nations partners regarding the possibility of women protection advisers being located within the human rights components.

Finally, let me commend this Council for its swift and decisive actions to promote the protection of civilians and to ensure accountability, which have undoubtedly helped to prevent further violations of human rights and international humanitarian law. Wherever the Council establishes or renews the mandate of a peace mission, it is important to take into account the human rights situation. OHCHR stands ready to provide such information through the various Security Council mechanisms, especially the Security Council's informal Expert Group on the Protection of Civilians.

The President (*spoke in French*): I thank Mr. Šimonović for his briefing.

Given the large number of representatives who wish to take the floor, I would urge all speakers to

speak succinctly and to circulate the full versions of their statements. I would like to remind all speakers that brevity and clarity often go hand in hand.

I now give the floor to the members of the Council.

Mr. Parham (United Kingdom): Let me begin by thanking Under-Secretary-General Amos, Under-Secretary-General Le Roy and Assistant Secretary-General Šimonović for sharing their thoughts with the Council today.

Civilian protection has taken on a new significance in recent months as worrying security situations and reports of human rights abuses in a number of countries continue to attract worldwide attention. Such situations warrant decisive action by the United Nations and the wider international community. In time, thorough investigations of abuses should take place and all those responsible must be held accountable for their actions.

Many of the concerns raised during the course of today's briefings are shared by the United Kingdom. On Libya, the case for taking action to protect the civilian population remains compelling. Al-Qadafi's regime is still inflicting severe violence on Libya's civilian population. The United Kingdom has been consistently clear that the action being undertaken by the coalition forces is to protect the civilian population on the ground in Libya. Security Council resolution 1973 (2011) provided a legal basis for that action, expressly authorizing the use of force to protect civilians. We are ensuring carefully that our actions accord with the Security Council resolutions and our other international obligations and that they are designed precisely to protect civilians and to minimize civilian casualties.

This year, the United Kingdom supported resolutions of the United Nations Human Rights Council on both Libya and Côte d'Ivoire, which established commissions of inquiry into alleged human rights abuses in the two countries. In both cases, we believe that all abuses of human rights should be thoroughly investigated and the perpetrators held accountable.

All parties to a conflict have obligations to respect international humanitarian law and to permit humanitarian organizations access to affected civilians. In Côte d'Ivoire, the United Kingdom strongly supports the robust posture of the United Nations Operation in Côte d'Ivoire (UNOCI) and its approach in implementing its mandate to prevent the use of heavy weapons and to protect civilians during the recent crisis. We believe that UNOCI took a pioneering step in increasing its level of responsibility for civilian protection, and, of course, it did so with the authorization and support of this Council.

Despite the best efforts of the Syrian Government to suppress media coverage, we have witnessed the repeated and deliberate targeting of civilians and the use of tanks and other heavy weaponry against peaceful protesters. The United Kingdom utterly condemns the violence perpetrated by the Syrian security forces against civilians who are expressing their views in peaceful protests. We welcome the resolution passed by the Human Rights Council during its sixteenth special session, which unequivocally condemned the use of lethal violence on peaceful protesters by the Syrian authorities.

Allow me to take a few moments to consider some topics that no longer feature as prominently under the spotlight of the world's media.

We welcome the report of the United Nations Panel of Experts on Sri Lanka and its comprehensive investigation into allegations of violations of international humanitarian and human rights law by both sides during the military conflict, which ended in May 2009. We hope that the Government of Sri Lanka will respond constructively to the recommendations in the report, given the suffering of civilians during the conflict and the need for a process of national reconciliation.

In Burma, the United Kingdom remains deeply concerned about reported attacks on civilians by the Burmese army in ethnic minority areas. We call upon the Burmese army and ethnic militia to make every effort to protect the civilian population and to bring to account those responsible for human rights abuses against them.

We need to redouble our efforts to ensure that humanitarian access is not impeded. We know that restrictions on access and attacks against aid workers are two of the biggest challenges in delivering humanitarian aid in the twenty-first century. Unfortunately, from Libya to the Sudan and from Syria to Côte d'Ivoire, access by humanitarian agencies to

the most vulnerable has been hindered, and lives have been lost as a result.

I would like to conclude by paying tribute to the work of the United Nations peacekeepers, whose job is to help protect vulnerable civilians around the world. I am sure that all of us here today will want to express our thanks for their continuing efforts.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We are grateful to Ms. Amos, Mr. Le Roy and Mr. Šimonović for their briefings.

The issue of the protection of civilians holds a prominent place on the Security Council's agenda. We welcome regular discussion of the topic and the close attention to the various aspects of the protection of civilians when setting up and extending country mandates. We also consider useful the recent initiative of Brazil on holding consultations on all questions of protection on the Council's agenda. In our view, that helps the Security Council to develop a comprehensive approach to the issue of protecting civilians and to avoid duplication in the work of the various bodies of the Secretariat.

Despite all the efforts to protect civilians, thousands of people die during conflicts, as before. Moreover, the majority of civilian casualties are children, women and the elderly, who are generally considered vulnerable groups. Recently, our attention has focused on a number of country situations where the issue of the protection of civilians is particularly acute. I am referring primarily to Afghanistan, Libya and Côte d'Ivoire.

We resolutely condemn premeditated attacks on civilians, as well as civilian deaths resulting from the indiscriminate or disproportionate use of force, which is a flagrant violation of international humanitarian law. We advocate thorough investigation of such incidents and punishment of the perpetrators. That also applies to the activities of private security groups, which quite often violate the rights of the civilian population. Under the norms of international law, the responsibility for the actions of such groups lies with the States that hire them. In that regard, we welcome the recent decision of the United Nations Human Rights Council on drawing up a draft international legal document on the human rights aspects of the activities of such security groups.

Certainly, the Governments of States involved in conflicts bear the primary responsibility for protecting the population living on their territory. At the same time, all parties to armed conflict are responsible for the security of civilians. The activities of the international community should assist national efforts in that area. Moreover, undertaking such international measures, in particular those involving the use of force, is possible only with the authorization of the Security Council, in strict compliance with the United Nations Charter and within the framework established by the relevant Security Council resolutions.

In the light of the ambiguous experiences in protecting civilians during peacekeeping operations sanctioned by the Security Council, we believe that it is necessary once again to clearly reaffirm that it is unacceptable for United Nations peacekeepers to be drawn into armed conflict and, in effect, to take the side of one of the parties when implementing their mandate.

The noble goal of protecting civilians should not be compromised by attempts to resolve in parallel any unrelated issues. In that regard, we share the concern expressed today by Ms. Amos with regard to the situation in Libya. The statement by a representative of the coalition with regard to resolution 1973 (2011) is not in line with the reality.

In conclusion, we would like to mention one other issue that, in our view, is important. We believe that the protection of civilians is crucial not only during the acute phase of an armed conflict. Following the cessation of active hostilities, the phase of political settlement and peacebuilding begins. At that time, civilians frequently fall victim to various armed groups, looters and forces that have not yet disarmed. We believe it extremely important to avoid the emergence of distinct security vacuums during the period of transition from armed conflict to peacebuilding. Ensuring the security of the civilian population during the peacebuilding period is primarily the responsibility of the relevant State. The task for the United Nations is to provide active support in establishing law-enforcement structures to counter crime.

Mr. Manjeev Singh Puri (India): I would like to thank you, Sir, for organizing today's debate on the protection of civilians, which in our view is very timely and relevant. I would also like to thank the

Department of Peacekeeping Operations (DPKO), Under-Secretary-General Valerie Amos and Assistant Secretary-General Ivan Šimonović for their useful briefings and statements. Indeed, in my opinion, the very presence here of representatives of those three organs of the United Nations allows us to place our discussions and debate in the right context.

It has been India's consistent view that the foremost responsibility of every State is to protect its population. In fact, one of the cardinal provisions of the Indian Constitution is that the right to life is one of the fundamental rights of all citizens, from which no derogation is permissible, even in times of emergency.

India has demonstrated its commitment to that right at the international level as well. India has contributed more troops to peacekeeping operations than any other Member State. Our troops and police officers have been at the forefront of turning this Council's word into deed. They were protecting civilians long before the term became common usage in the Council. More than five decades ago, Indian soldiers defended the civilians of the Congo as part of the United Nations mission. Our contribution continues today in the Democratic Republic of the Congo and in other United Nations missions.

We have remained at the cutting edge of many United Nations operations in places where civilians were under threat. Today, we have a female formed police unit — the first such formation composed entirely of women — in the United Nations Mission in Liberia. Thus, India brings to this table a quantum of experience in actually protecting civilians in peacekeeping missions that is unique in its relevance, variety and depth.

We have also participated actively in the normative debates of the Council and the General Assembly on protection issues. In that tradition of constructive engagement, a seminar held recently in New Delhi broke new ground in drawing from the operational experience of peacekeepers to further evolve that agenda. I am very glad to see that our colleague from DPKO was present in New Delhi at the time of that seminar.

An enormous amount of the Council's attention has been focused recently on protection issues, with the Council adopting a number of resolutions and statements on the protection of civilians and related issues of violence against women and children in situations of armed conflict. In bringing those protection issues within the purview of matters relating to international peace and security, the Council has placed them squarely at the centre of the conflict resolution and peacekeeping agenda. That intense focus has, in some situations of conflict, shifted attention from the tried and tested methods of mediation and negotiation that are the staples of conflict resolution.

When applied as a basis for Security Council action, efforts to protect civilians must respect the fundamental aspects of the United Nations Charter, including the sovereignty and integrity of Member States. Any decision to intervene that is associated with political motives detracts from that noble principle and needs to be avoided. Also, the response of the international community must be proportional to the threat, involve the use of appropriate methods and make adequate resources available.

It is important that the principle of protecting civilians be applied in a uniform manner. In the case of conflict, all sides need to abide by it. We must also be clear that the United Nations has a mandate to intervene only in situations where there is a threat to international peace and security. Any decision of the Council to intervene must be based on credible and verifiable information, which in turn requires much greater information flows when the Council is seized of a situation.

In that context, I cannot but ask the question: *Quis custodiet ipsos custodies*? Who watches the guardians? There is a considerable sense of unease about the manner in which the humanitarian imperative of protecting civilians has been interpreted for actual action on the ground.

Let me now turn to the question of protecting civilians in peacekeeping missions. In the view of my delegation, the central issue in the implementation of the protection agenda is the question of resources. The resources that are being made available to current peacekeeping operations so as to fulfil those ambitious objectives are simply insufficient.

It is also important that expectations regarding the work of peacekeepers be realistic and take into consideration the multiple resource constraints under which they function. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, for example, has one peacekeeper for every 1,500 square kilometres. The Mission lacks enabling

assets to allow the existing complement of peacekeepers to move and deploy in the areas of operation. The manner in which those Missions are being made to operate on shoestring budgets and being constantly asked to do more with less does not augur well. All efforts of the Council to further the protection agenda will come to naught if that resource gap is not addressed.

In conclusion, my delegation would like to stress that force is not the only way of protecting civilians. It should be only the measure of last resort and be used only when all diplomatic and political efforts fail. There can be no substitute for national will and national efforts in creating an environment where civilians are secure. The efforts of the Council and the international community must be directed at assisting national authorities in developing those capabilities. That is the only sustainable method of protecting civilians because, as I said at the beginning of my statement, the foremost responsibility of every State is to protect its civilians.

Mrs. Viotti (Brazil): We commend the French presidency for holding today's important debate. We are grateful to Under-Secretaries-General Valerie Amos and Alain Le Roy and Assistant Secretary-General Ivan Šimonović for their presentations. We welcome the opportunity for the Council to exchange views with the wider membership on the transformation of the civilian protection landscape over the past few months.

The protection of civilians in armed conflict is one of the crucial challenges of our time. In the Security Council and other forums, Brazil has sought to contribute to the United Nations efforts in that area. Last February, during the Brazilian presidency of the Security Council, we organized a meeting aimed at considering all dimensions of the protection agenda (see S/PV.6479).

The protection of civilians is a humanitarian imperative. It is a distinct concept that must not be confused or conflated with threats to international peace and security, as described in the Charter, or with the responsibility to protect. We must avoid excessively broad interpretations of the protection of civilians, which could link it to the exacerbation of conflict, compromise the impartiality of the United Nations or create the perception that it is being used as a smokescreen for intervention or regime change. To that end, we must ensure that all efforts to protect civilians be strictly in keeping with the Charter and based on a rigorous and non-selective application of international humanitarian law.

Whenever possible, the protection of civilians should be pursued through peaceful and preventive means. Those include dialogue with the local populations, compliance with international humanitarian law, coordination with humanitarian actors and diligent monitoring and reporting. In some cases, coercive measures may be necessary to protect civilians. Nevertheless, the use of force must always be a last resort. We must take the greatest care to ensure that our actions douse the flames of conflict instead of stoking them.

When the Council does authorize the use of force, such as in the case of Libya, we must hold ourselves to a high standard. The Council has a responsibility to ensure the appropriate implementation of its resolutions. Force must be used carefully, with due regard for the principle of proportionality and in strict accordance with the terms of the authorization. The use of force to protect civilians does not abrogate international law, but underlines the need for strict adherence to it.

Moreover, just as peacekeepers must be accountable for their actions and omissions in the cause of protection, Member States, too, must be clear on how they are fulfilling the mandate they have received from the Council. In the same vein, the use of force by peacekeepers to protect civilians must be carried out with utmost restraint. This is necessary to ensure that blue helmets are not perceived as parties to the conflict. Avoiding such a perception is crucial for the continued success of peacekeeping. Trust in the Organization's impartiality is indispensable for it to constructively contribute to sustainable political solutions to conflict, which is the ultimate goal of United Nations peacekeeping.

Protecting civilians is one of the most important ways in which the Organization gives expression to its ultimate objectives, as set out in the Charter. The United Nations has made great strides in this area, both in the Council and in other forums. Going forward, we must continue to advance the protection agenda, focusing on the five core challenges identified by the Secretary-General in 2009.

Brazil supports a consensual, non-selective approach to ensure the protection of civilians around

the world. In the Council, in the General Assembly and in the field, we remain committed to finding solutions to the dilemmas of protection.

Mr. Barbalić (Bosnia and Herzegovina): Thank you, Mr. President for organizing this important debate. I wish to extend my gratitude to Under-Secretary-General Amos, Under-Secretary-General Le Roy and Assistant Secretary-General Ivan Šimonović for their important, irreplaceable work and of course for their valuable briefings at today's meeting.

The issue of the protection of civilians in armed conflict is one to which Bosnia and Herzegovina attaches great importance. Unfortunately, serious and constant violations of international humanitarian law and human rights law and deteriorating situations, including systematic violence against civilian populations, have continued during the reporting period in many countries. Civilians are still, and too often, targets in armed attacks and atrocities and are victims of human rights abuses, in particular rape and other sexual violence. It is the unfortunate and unacceptable reality of our times that civilians continue to be a main target for armed attacks and account for a high number of casualties in conflicts.

Regrettably, in 2010 and during the first quarter of 2011, we have witnessed a continuous and significant increase in civilian casualties in a number of countries, including Afghanistan, Iraq, Somalia, Côte d'Ivoire and Libya. The list certainly does not end there. Bosnia and Herzegovina strongly condemns such violence and finds it both appalling and unacceptable.

In response to some of the violations that occurred in the most recent period, the Security Council took concrete steps relating to the protection of civilians, the first one being the adoption of resolution 1973 (2011), which authorized all necessary measures to protect civilians in Libya, and the second being the adoption of resolution 1975 (2011), which imposed sanctions on former Ivorian President Laurent Gbagbo and his circle and authorized the United Nations Operation in Côte d'Ivoire to prevent the use of heavy weapons against the civilian population.

When it comes to the situation in Libya, we are gravely concerned over the references in the recent report of the Prosecutor of the International Criminal Court to serious violations of international humanitarian law and human rights in the country. We condemn in the strongest possible terms artillery shelling and sniper fire aimed at civilians and civilian buildings. In this context, we reiterate that full implementation of resolutions 1970 (2011) and 1973 (2011) is of the utmost importance and that obligations deriving from those resolutions are not optional.

With regard to the situation in the Ivory Coast, we also reiterate our deep concern over the reported serious violations of human rights and the use of disproportionate force. We are alarmed by the deteriorating humanitarian situation in the country, where more than a million people have reportedly been internally displaced and more than 100,000 had to flee the country and find shelter in Liberia. We urge the international community to redouble its efforts and provide the much-needed humanitarian assistance. Allegations of the existence of mass graves in the country are worrisome and must be investigated. We condemn the use of sexual violence as a means to political ends and welcome the decision of the Human Rights Council to establish an independent international commission of inquiry.

We urge all parties to armed conflicts to fully comply with their obligations under international humanitarian law concerning the protection of civilians in armed conflict. We particularly underline the need to combat impunity for perpetrators of violence against civilians. The struggle against impunity is an integral element in the protection of civilians that cannot be addressed seriously without prosecuting those responsible for serious crimes. Sanctions and other targeted measures play an important role in overall efforts, as well as in initiatives to improve compliance with the law by non-State armed groups. The Security Council should take every opportunity to send a message that crimes committed against civilians are unacceptable and that all perpetrators of grave violations of human rights and international humanitarian law will be brought to justice.

Conflicts remain the major cause behind the increasing numbers of refugees and internally displaced persons. In that context, we are deeply concerned about the unsafe and too-often impeded humanitarian access to populations affected by conflict. We are also troubled by attacks against humanitarian workers, which must be strongly condemned. We believe that the Security Council should take a more consistent and comprehensive approach to addressing constraints on humanitarian

access and should ensure accountability for grave instances of denial of access.

The challenges facing the Council with regard to the protection of civilians call for greater international cooperation and better coordination between the Council and other United Nations bodies and agencies. To that end, additional efforts should be made to prevent conflicts and their recurrence and to promote early-warning systems and effective responses to situations that specifically threaten civilian populations. Although the primary responsibility for the protection of civilians lies with States and parties to an armed conflict, the United Nations, with its systematic approach to the protection of civilians, must be, and is, at the helm of the global effort.

We believe that more comprehensive and detailed information on the protection of civilians in country-specific situations is needed. Measuring progress in the implementation of peacekeeping mandates related to the protection of civilians must be improved. We support the recommendations of the Secretary-General made in the most recent report asking for the systematic application of the aide-mémoire on the protection of civilians and active use of the Council's informal Expert Group on the Protection of Civilians to discuss peacekeeping and other mission mandates.

In conclusion, I would like to underline that Bosnia and Herzegovina attaches the utmost importance to the protection of civilians in armed conflict.

Mr. Cabral (Portugal): I join previous speakers in thanking our briefers today, and you, Sir, for convening this timely debate.

In the last few months, civilians have been under attack in several parts of the world. Civilians continue to represent the majority of the victims of conflict. They are not only affected by conflicts, but very frequently are deliberately targeted by the different parties. Women are too often subjected to sexual violence used as a tactic of war. Children are too often killed or maimed or used in armed conflict. Widespread violations of human rights and international humanitarian law in times of war contribute to fuelling instability, violence and conflict.

Portugal condemns all attacks directed against civilians in Libya; in Côte d'Ivoire; in the Democratic Republic of the Congo, where the Lord's Resistance Army regularly carries out attacks against villages; in Afghanistan or Iraq, where weapons and explosive devices cause so much civilian suffering; or in Syria, where intense violence has resulted in over 500 people killed and thousands of others injured.

Learning from past situations such as Rwanda or Srebrenica, it is clear that the Security Council must pay persistent attention to the plight of civilians in crisis and that it must act promptly when indiscriminate attacks against the civilian population take place. When civilians are under threat, the United Nations, and the Security Council in particular, must respond.

We should recognize that the overall attention of the Security Council to issues related to the protection of civilians has been increasing. The Council has the necessary normative framework and tools at hand to guide its action in this area in an effective and accountable manner. A number of peacekeeping missions have been established with strong protection mandates. Specific training courses have been deployed by the Department of Peacekeeping Operations to enhance the understanding of the concept of the protection of civilians. Local strategies and improved engagement with the communities have been devised, and all these tools have had a significant impact on enhancing the protection of civilian populations.

In his report to the Council last November (S/2010/579), the Secretary-General referred to the need to identify new and innovative ways to address specific situations that are not on the agenda. We fully agree. When the protection of civilians has been at stake, we have found creative ways to bring the issue to the attention of this body and to take action. Resolutions 1970 (2011) and 1973 (2011) are perhaps the most striking examples of swift action by the Council to respond to a situation that was not formally on its agenda but where civilians were targeted. But more can be done — and more consistently — to convey effective political signals using existing tools at the disposal of the Council, such as press statements, presidential statements, resolutions, briefings and consultations.

Indeed, we need to be realistic. The prevention of conflict is always the most effective way to protect civilians. That explains why reliable early-warning information on threats to civilians is crucial.

Preventive measures are core elements of resolution 1894 (2009) and important pillars of the responsibility to protect. In this regard, we would like to underline the value of practical but very effective preventive measures that are now in place in a number of peacekeeping missions to ensure timely action, for instance telephone hotlines. But other measures can be devised, including to support the efforts of civilian populations to protect themselves, through education and training programmes, while engaging State authorities, who retain the primary responsibility for protection.

Another aspect that is crucial — and that was rightly examined in the Secretary-General's report — is the need to enhance accountability for violations of humanitarian and human rights law. Countering impunity, either by the action of international institutions such as the International Criminal Court or by the actions of national institutions, has a deterrent effect at the national, regional and international level, and is a fundamental tool to prevent further violations. In this respect, Portugal would like to underline once again the important role of the International Criminal Court in fighting impunity for the most serious crimes and encourages all efforts to promote the universalization of the Rome Statute.

We would also highlight the crucial role that the Human Rights Council is playing in the fight against impunity. Two international commissions of inquiry, on Côte d'Ivoire and on Libya, have recently been dispatched to investigate human rights violations, to establish the facts and circumstances of those violations and, where possible, to identify those responsible so as to make recommendations, in particular on accountability measures. Another fact-finding mission will soon be sent to Syria for the same purposes. The Council will certainly benefit from the work of those missions, which hopefully will contribute not only to enhancing accountability but also to promoting peaceful solutions to existing crises.

In conclusion, I wish to underline that a Council that is better informed is also better prepared to take effective action; hence the need for real-time information regarding threats to civilians. With sufficient credible and early information the Council will be more able to use preventive diplomacy to influence parties to conflict to comply with international law and to make specific commitments regarding civilian populations. It is now up to us to seek such information and to ensure that the Security Council acts consistently and with resolve to send a political signal in demanding immediate compliance with international humanitarian law to protect all civilians — women, men and children — who are directly targeted or are accidental victims of conflict.

Mrs. DiCarlo (United States of America): I would like to thank Under-Secretary-General Amos, Under-Secretary-General Le Roy and Assistant Secretary-General Šimonović for their valuable remarks today.

Let me begin by commending the work of the United Nations and the brave local and international United Nations staff, from peacekeepers to humanitarian workers, who risk their lives to help protect civilians in harm's way. We should not underestimate the challenges they face. All too many regimes are still willing to use ruthless and indiscriminate force in populated areas, and some deliberately target civilians, humanitarian workers and journalists.

Last November the Council debated how to promote and improve methods to protect civilians (see S/PV.6427). Just weeks later, the world witnessed the extraordinary and ongoing courage of people in nations across North Africa and the Middle East who found their voices and were demanding to be heard. Many have taken to the streets to exercise their rights of expression despite, in some cases, brutal attempts at repression.

On 17 March, the Council acted decisively to protect innocent civilians in Libya (see S/PV.6498). Responding to the Libyan people and the Arab League, the Security Council authorized the use of all necessary measures to protect civilians and civilian areas targeted by Colonel Al-Qadhafi, his intelligence and security forces and his mercenaries. That new resolution (resolution 1973 (2011)) followed up on the unanimous Council vote on resolution 1970 (2011) to refer the situation in Libya to the Prosecutor of the International Criminal Court. Resolution 1970 (2011) underscored the importance that the international community attaches to assuring that those responsible for widespread, systematic attacks against the Libyan people are held accountable.

The international community must remain united in the commitment to protecting civilians and civilian-populated areas under threat of attack, to ending

violence against the Libyan people and to defending the universal rights we all share. The NATO coalition operates within the mandate of resolution 1973 (2011) to enforce the arms embargo and the no-fly zone and to conduct a civilian protection mission. NATO makes every effort to avoid civilian casualties.

In Syria we are concerned about the continued reports of gratuitous violence against unarmed demonstrators. We therefore welcome the mission by the Office of the High Commissioner for Human Rights to investigate alleged violations of international human rights law. We call on the Syrian Government to allow journalists and human rights monitors to independently verify events on the ground, including reports of indiscriminate attacks on populated areas by Syrian forces.

We have seen real progress in efforts to protect civilians, but in Darfur and elsewhere we still face serious challenges. Let me highlight three key areas where the Council plays a crucial role: improving peacekeeping missions, assuring humanitarian access in armed conflict and ensuring accountability.

First, on the role of peacekeeping, consider the recent crisis in Côte d'Ivoire. The Security Council consistently responded to escalating violence there by urging the United Nations peacekeeping force to fully implement its mandate to protect civilians under threat of attack, culminating in resolution 1975 (2011). The United Nations Operation in Côte d'Ivoire responded robustly to neutralize the threat of heavy weapons. We know that those actions saved many lives, based on the substantial weapons caches discovered in and around Abidjan.

We have seen progress, led by Member States in concert with the Secretariat, to improve the tools, guidance and resources to help United Nations missions identify and address the threats to populations in conflict zones. We must continue to learn from experience and provide better support to missions, including doing more to address sexual and gender-based violence. In difficult environments such as the Democratic Republic of the Congo, the United Nations has developed mission-wide protection strategies, including establishing community liaison assistance and joint protection teams to better protect civilians. We welcome those efforts.

Secondly, we must continue to facilitate humanitarian access into areas of armed conflict. Humanitarian personnel around the world all too often work in insecure conditions and lack access to vulnerable populations. There are increasing reports of attempts to intimidate humanitarian workers, impede their movement and even target them directly. In Darfur, the humanitarian community's efforts to gain regular access to those in need are being stifled by Government restrictions on movement, particularly in areas where the Sudanese Armed Forces are engaged in hostilities or aerial bombardment. We must redouble our efforts to end such obstructions to humanitarian access and hold those responsible for these obstructions accountable.

Finally, accountability remains essential to ensuring an effective, transparent process of reconciliation after the guns have gone silent. The recent report from the Panel of Experts created to advise the Secretary-General on Sri Lanka alleges several violations of international humanitarian and human rights law in the final stages of the conflict, which may have resulted in the deaths of up to 40,000 civilians. We urge the Sri Lankan Government to respond constructively to the report. Accountability and reconciliation are inextricably linked. It is in Sri Lanka's interest to take concrete steps to promote justice, accountability, human rights and reconciliation.

We have a window of opportunity to translate recent Security Council cooperation on civilian protection into lasting improvements in our response to crises. We must seize it for all of our sakes, and for the sake of the innocent men, women and children who rely on our collective action to defend them.

Mr. Osorio (Colombia) (*spoke in Spanish*): The topic under discussion today calls on us to reflect seriously on State and international responsibilities to ensure the protection of civilians in armed conflicts on the Security Council's agenda, as well as the tools with which to achieve it. The briefings and analyses by Under-Secretary-General Amos, Under-Secretary-General Le Roy and Assistant Secretary-General Šimonović illuminate the subject very well. We should therefore remember that the Security Council has dealt with the protection of civilians on several occasions over the past decade. In that regard, I would like to highlight the concepts embodied in resolutions 1265 (1999) and 1674 (2006), as well as in subsequent resolutions and presidential statements.

The current circumstances demand that the actions that United Nations bodies, including the Security Council, take to address a crisis are framed consistent with international law, in order to ensure their legality and legitimacy. We believe that this is the best way to guarantee lasting solutions in those situations where the Council must act. The protection of civilians in situations on the Council's agenda is a matter that demands our commitment to concrete measures such as those taken in recent months. In the case of Côte d'Ivoire, for example, the mandate of the peacekeeping Mission established by the Council included explicit authorization for the Mission to use any means necessary to counter the use of heavy weaponry against civilians.

With regard to the situation in Libya, the Council's response to that crisis was phased and gradual, starting with a statement to the press, followed by a resolution (resolution 1970 (2011)) adopted under Article 41 of the Charter, and concluding with a second resolution, this time adopted under Chapter VII (resolution 1973 (2011)). The true theme of both those resolutions is thus the protection of civilians.

Moreover, we believe that it is essential to strengthen the work of other bodies with regard to the protection of civilians, such as the General Assembly, the Economic and Social Council and, in particular, the Human Rights Council. Establishing effective cooperation in this area between the Security Council and other relevant bodies and agencies of the United Nations can make the Council's actions more productive vis-à-vis the areas under its purview.

In that regard, recent international events have prompted my delegation to reflect on the Human Rights Council and its readiness to strengthen mechanisms for prevention and cooperation with States, in order to reinforce their own capacity to protect civilians. We believe that work needs to be done in order to ensure that governmental agencies are aware of their responsibilities in this area and that they are creating the institutions needed to ensure the protection of civilians with a comprehensive and long-term vision, including those entities charged with investigating and prosecuting abuses in individual cases. We believe that the creation of the Human Rights Council, less than a decade ago, has enabled us to address strengthening national capacities to protect civilians more creatively and cooperatively. To that end, we must move from a confrontational approach towards one of cooperation. Only by building national capacity to deal with the duties and responsibilities of national authorities to protect civilians will we be able to make a long-term difference.

As is the case with other thematic issues considered by the Council, this too should be subject to further reflection in order to strengthen the cooperative mechanisms that enable us to achieve substantial results in situations where civilians are particularly affected. One way of doing this would be to resort more frequently to other bodies and agencies in the United Nations system able to work on building national capacities when States request it.

The Security Council, pursuant to the functions assigned to it by the United Nations Charter, must address threats to international peace and security. In that context, my delegation would like to recall the request of the Council in November 2010 that the Secretary-General include more extensive and detailed information in his reports concerning the protection of civilians in armed conflict when reporting on specific events on the Council's agenda.

Colombia concurs with other Council members that the primary responsibility for the protection of civilians belongs to each State. We therefore consider it essential that international support be rendered in close coordination with national authorities, in accordance with the Charter and the norms of international law, and with respect for sovereignty and territorial integrity, as well as for the principles of humanity, neutrality, impartiality and independence. Any initiative in this area should be mindful of the central role played by Governments and relevant national policies.

As Under-Secretary-General Amos mentioned in her report, Colombia has suffered under the scourge of a guerrilla group that has been described at the national and international levels as a terrorist group, and which has also been involved in illegal trafficking in drugs and arms and has systematically attacked and perpetrated deplorable acts against the civilian population, using mines, bombs and explosives. With international cooperation, for which we are grateful, Colombian authorities are committed to a process that is moving forward successfully in combating the violence and providing redress for its victims. At this very moment, we are in the final stage of enacting in Colombia's national Congress a law providing redress

for victims and restitution of their lands, a reflection of the Government's commitment to protect and make reparations to the civilian population.

We understand that there are exceptional circumstances where the Council may be required to act without consulting the authorities, either because the authorities as such do not exist or because the authorities themselves are the ones deliberately threatening the lives of their own citizens. This underlines the fact that each and every situation is unique, which in turn implies that efforts made to resolve humanitarian issues must address the specific features of a situation.

Lastly, we call on the Members of the United Nations and the Secretariat to consider the thematic issues discussed by the Council as an opportunity for strengthening other bodies established with specific aims in view. We believe this can improve our performance, particularly regarding the results we stand to achieve in the long term concerning the protection of civilians.

Mr. Sangqu (South Africa): My delegation wishes to express its appreciation to you and your delegation for organizing this open debate, Mr. President. We also wish to thank Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights, for their briefings.

South Africa is fully committed to the protection of civilians in armed conflict and continues to support a strengthened normative and legal framework for enhancing such protection measures. We welcome the concerted efforts of the international community to protect civilians in armed conflict. Despite such positive efforts and the progressive steps that are being taken, scores of civilians in many regions of the world are still harmed or maimed during armed conflicts, from Afghanistan to Somalia to Libya to Côte d'Ivoire. In this regard, we regret deeply that civilians, in particular women and children, continue to account for the vast majority of casualties in armed conflicts.

The latest report of the Secretary-General on the protection of civilians (S/2010/579) made three important additions to the five core protection challenges identified in his 2009 report (S/2009/277). Advances in all of those core areas will contribute to the international community's fight against impunity, improve humanitarian access and ensure consistency in mandates for the protection of civilians. The Council has made commitments concerning the protection of civilians, particularly in the areas of peacekeeping, humanitarian access, monitoring, information-sharing and reporting.

In spite of a number of well-meaning Security Council resolutions, presidential statements and thematic mechanisms, the grim reality is that parties engaged in conflict still have a long way to go in fulfilling their responsibilities concerning civilian protection. It is clear that the lack of political will and complete disregard for the lives of civilians remains a major obstacle to protecting civilians during armed conflict. The Secretary-General observed in his report presented to the Council in November 2010 that any progress in the protection of civilians has been the result of increased focus by international agencies on the issue, not because armed groups are observing international law.

We therefore call upon all relevant parties to conflicts to put an end to such practices and recognize that States bear the primary responsibility of protecting civilians within their borders. That does not exonerate non-State armed groups to conflicts. Non-State actors have responsibility under international humanitarian law to protect civilians and they must be held accountable for violations. Accordingly, it is always important to note that, while United Nations peacekeeping operations should always adopt a robust posture in implementing the mandates of the Council, including the protection of civilian elements, they must do so in an impartial manner. United Nations peacekeeping operations should never be seen to be siding with one party to a conflict, as that would undermine the integrity of United Nations efforts.

The plight of women and children, in particular, remains perilous and requires urgent attention. South Africa appreciates the efforts of many Governments, including those of the Democratic Republic of the Congo and Chad, to combat sexual violence, as demonstrated by the arrest of senior military officers involved in crimes of conflict-related sexual violence. The increased momentum in the implementation of resolutions 1325 (2000), 1612 (2005) and 1960 (2010), including on monitoring, information-sharing and reporting, needs to be further accelerated.

In February, at the initiative of the Brazilian presidency, the Council held informal consultations to discuss protection-related items on its agenda, namely, protection of civilians, children and armed conflict, and women and peace and security. South Africa supports this holistic approach, whereby these issues are dealt with in a coherent manner. In that regard, actions undertaken by the Secretariat should be mutually reinforcing.

Over the past three months, we have witnessed some important advances as the Security Council adopted resolutions giving practical expression to our collective desire to ensure civilian protection. These resolutions have at their core the protection of civilians, and South Africa supported these additional measures for Libya and Côte d'Ivoire, respectively. These resolutions have noble intentions focused on our common desire to protect civilian lives.

However, we are concerned that the implementation of these resolutions appears to go beyond their letter and spirit. It is important that, as international actors and external organizations provide constructive assistance, they should nonetheless comply with the provisions of the United Nations Charter, fully respect the will, sovereignty and territorial integrity of the country concerned, and refrain from advancing political agendas that go beyond the protection of civilian mandates, including regime change.

In our view, such actions will undermine the gains made in this discourse and provide ammunition to those who have always been sceptical of the concept. In the final analysis, the implementation of these resolutions will determine whether our actions have yielded the intended result of protecting civilians.

Our efforts in protecting civilians will also be undermined if our approach to conflict resolution is limited only to addressing symptoms while ignoring root causes. Such an approach will not help to find a fundamental solution to the protection of civilians, which, in the final analysis, can be guaranteed only by capable States with strong democratic institutions. In this regard, more focus should be directed to rule of law reforms; democratization reforms; disarmament, demobilization and reintegration; security sector reforms; and post-conflict reconstruction and development underpinned by early peacebuilding programmes, inter alia. We must stress the need for the international community to prevent armed conflict and to support actions aimed at addressing the underlying causes in an effective and sustainable manner, thereby making the renewal of hostilities less likely.

In conclusion, progress in advancing the protection of civilians will also depend on the consistency with which the Council pursues this goal. Selectivity gravely limits the credibility of the Council in advancing protection of civilian mandates. This Council cannot be seen to place the value of some civilians above that of others. Proactive actions that we have witnessed in Libya and Côte d'Ivoire have also to be applied in cases such as Somalia.

Mr. Wittig (Germany): At the outset, let me thank today's briefers for their valuable contributions. Germany aligns itself with the statement to be delivered later by the Acting Head of the Delegation of the European Union.

Today's debate on the protection of civilians in armed conflict comes at a crucial moment. Only last week, the International Criminal Court announced its intention to indict three Libyan officials whom it holds responsible for organized crimes against humanity perpetrated against civilians in Libya. Following the landmark resolution 1970 (2011), that is an important step in enhancing accountability for violations of international law and ending the so-called culture of impunity.

Regarding the responsibility to protect, let me be clear — it is first and foremost the responsibility of each State to protect its civilian population from violence. However, the international community will not turn a blind eye when there is a blatant disregard of this obligation. That is a message that applies not only to Libya; indeed, it goes beyond Libya.

Civilians continue to bear the brunt of violence in armed conflict. Recent events in Côte d'Ivoire and Libya reconfirm this fact in a tragic way. The indiscriminate and excessive use of force against civilians in all its various forms cannot and must not be accepted by the Security Council and the international community at large.

Let me briefly touch upon some of the situations of particular concern to us. First, with regard to Syria, we are deeply shocked by the violence and brutality of the internal repression orchestrated by the Syrian authorities against unarmed and peaceful protesters.

The use of tanks and heavy artillery against the civilian population in Dar'a, Baniyas and other cities is deeply worrying. The Syrian authorities clearly stand at a fork in the road. We strongly urge the Syrian Government to end its military repression of its own population and to respect human rights. Those responsible for the killings should be held accountable.

In order to make this message clear, we have worked for the European Union to impose restrictive measures against Syria and persons responsible for the violent repression. These measures have come into force today. The ongoing violence and the regional implications also require that we continue to address the situation in Syria in the Security Council.

On Afghanistan, we remain seriously concerned about the intolerably high number of conflict-related civilian casualties. The large majority of them are caused by indiscriminate attacks by the Taliban, Al-Qaida and other violent armed groups. We would also like to take note of the continued progress made by Afghan and international forces in minimizing civilian casualties.

The situation of the civilian population in Somalia remains a cause of grave concern, as are the ongoing activities of the Lord's Resistance Army, in particular the abduction of children in parts of the Democratic Republic of the Congo, southern Sudan and the Central African Republic.

On Sri Lanka, Germany welcomes the report of the Panel of Experts. The report reiterates the need for accountability in that country. The findings of the report should encourage the Government of Sri Lanka to set up a credible investigation and accountability process. We urge Sri Lanka to closely cooperate with the United Nations in this regard.

Since the last open debate on protection issues in November last year (S/PV.6427), the Security Council has further developed its comprehensive normative framework on protection issues. We note with appreciation that four out of the current seven United Nations peacekeeping operations with a protection mandate have already developed comprehensive strategies for the protection of civilians.

Heeding your call, Mr. President, and for the sake of brevity, I will abridge my written statement and conclude by drawing the Council's attention to one group of civilians with particular protection needs in armed conflict, namely, children. Children are sexually abused, killed and/or maimed and sometimes even used as suicide bombers by parties to a conflict. In armed conflicts, schools and hospitals, which are essential for the development and well-being of children, are deliberately attacked and destroyed.

Together with the Special Representative of the Secretary-General, Ms. Coomaraswamy, with UNICEF and other United Nations agencies, the Security Council Working Group on Children and Armed Conflict — which I have the honour to chair — has continued to make tangible progress in demobilizing child soldiers and in enhancing compliance with international law by State and non-State parties to conflict. I urge the members of the Council, as well as the wider United Nations membership to continue to lend their valuable support to this common endeavour.

Mr. Amieyeofori (Nigeria): Thank you, Mr. President, for having convened this open debate. The briefings we have received from Under-Secretaries-General Amos and Le Roy and Assistant Secretary-General Šimonović add an important practical focus to our discussion of this important matter of principle, and we thank them.

Although the United Nations, and this Council in particular, have been seized of protection issues for several years now, as we have heard today, our actions to date have not reversed the trend towards the disproportionate suffering of civilians in situations of armed conflict. It bears repeating that the primary obligation to protect civilians affected by conflict lies with national Governments and parties to conflict. However, when they are unable or unwilling to fulfil this obligation, the international community, in particular the Security Council, must respond to the plight of civilians in armed conflict.

In this regard, we recall the United Nations efforts to implement resolution 1894 (2009), which called for comprehensive information on protection of civilians to be provided to the Security Council. While improvements have been made, we still lack a coordinated approach to information gathering and monitoring to ensure that the full impact felt by innocent civilians in conflict situations is appreciated. This must be a priority, as forewarned is surely forearmed.

Nigeria supports the use of the full range of protection tools, including the provision of

humanitarian assistance, mediation and other diplomatic interventions, arms control and the effective rule of law. A thoughtful approach to understanding the specific vulnerabilities of all civilians in a conflict situation would lead us to the right combination of these strategies, one reflecting the socio-economic context of the conflict.

The protection of civilians goes to the very heart of the Council's mandate. I am therefore proud to note that the international community has not been content to stand idly by while civilians are targeted and caught in the crossfire of conflict.

Our response to the conflict in Libya is using a range of protection strategies in a non-peacekeeping context. Multiple actors are working hard to provide humanitarian assistance in the face of targeted attacks on civilians and aid workers. Blocking humanitarian access is not only a deplorable act, it clearly violates the Fourth Geneva Convention. The dreadful scenes we are witnessing in Misrata and elsewhere in the country demonstrate the disregard for such pre-emptory norms. Notwithstanding the efforts of the multiple international humanitarian actors, the spectre of a major food crisis and refugee crisis now looms. We therefore demand that the Libyan parties take steps to honour resolutions 1970 (2011) and 1973 (2011) and to commit to a comprehensive ceasefire and a viable political track.

In Côte d'Ivoire, the Ouattara Administration has done much to ensure that Ivorian civilians remain protected. However, the circumstances in that country prove that the responsibility to protect survives full-scale conflict. The Office for the Coordination of Humanitarian Affairs has reported that armed militias continue to attack the population in the west of the country and that insecurity is hampering humanitarian access to those in need, including internally displaced persons. Nigeria believes that peace can be achieved in Côte d'Ivoire through a process of reconciliation, and we support initiatives in that direction. We also look forward to the outcome of the high-level inter-agency assessment mission on the United Nations Operation in Côte d'Ivoire currently in Abidjan. We trust that ongoing protection priorities will be at the forefront of the final recommendations.

We can think of no better way to keep civilians out of harm's way than to prevent conflict before it breaks out. Prevention is infinitely better than cure. We therefore urge the international community to lend greater support to the preventive diplomacy initiatives of civil society and regional and subregional bodies and efforts, such as the Economic Community of West African States Observation and Monitoring System. Such measures encourage stability and thereby reduce the vulnerability of women, men and children caught in conflict. In this way, we might protect civilians beyond those on the agenda of this Council.

Finally, we must challenge ourselves to be objective in our assessment of situations where civilians need our protection. We must try for consistency in our approach to the protection of civilians in all situations of armed conflict and not be held back or propelled by national interest, but by justice and principle alone.

Mr. Li Baodong (China) (*spoke in Chinese*): I wish to thank the French delegation for having convened this open debate. I also wish to thank Under-Secretaries-General Amos and Le Roy and Assistant Secretary-General Šimonović for their statements.

China is deeply concerned about the safety of civilian lives and property during armed conflict, which have been negatively impacted and threatened. We condemn acts of violence deliberately targeting civilians in situations of armed conflict.

Today, I wish to underscore four points.

First, the strengthening of the protection of civilians in armed conflict must strictly abide by the purposes and principles of the Charter of the United Nations. The responsibility to protect civilians lies first and foremost with the Government of the country concerned. The international community and external organizations can provide constructive assistance, but they must observe the principles of objectivity and neutrality and fully respect the independence, sovereignty, unity and territorial integrity of the country concerned. There must be no attempt at regime change or involvement in civil war by any party under the guise of protecting civilians.

Secondly, in order to fundamentally address the objective of the protection of civilians, more must be done in the areas of conflict prevention and resolution. The Security Council should as a priority engage in preventive diplomacy and prevent or reduce conflict in regions where there is turmoil. The Council should as a priority urge the parties concerned to cease hostilities

and achieve a ceasefire. Only by actively promoting a political solution by peaceful means through dialogue and negotiation can civilian casualties be minimized. Military means are not an effective answer to these issues.

Thirdly, strengthening the protection of civilians in armed conflict must be done through implementation of Security Council decisions in a comprehensive and strict manner. The original intention of resolutions 1970 (2011) and 1973 (2011) was to put an end to violence and to protect civilians. We are opposed to any attempt to wilfully interpret the resolutions or to take actions that exceed those mandated by the resolutions. In implementing the resolutions, efforts must be made to avoid yet greater civilian casualties.

Fourthly, the protection of civilians in armed conflict involves the development and evolution of the norms of international humanitarian law, which should be discussed in depth by the wider membership of the United Nations in order to reach consensus. Conflict situations vary, and there must be no one-size-fits-all approach to the protection of civilians. Various parties still hold divergent views on the responsibility to protect, and the General Assembly should continue its discussion on this matter.

The deployment of United Nations peacekeeping operations alone cannot fundamentally address the issue of the protection of civilians. In authorizing the United Nations to protect civilians, the specific situation of the country concerned, as well as the capabilities of the United Nations, must be taken into full consideration. United Nations peacekeeping operations must continue to abide by the principles of objectivity and neutrality and avoid taking sides in local political disputes or even becoming a party to the conflict.

Mr. Messone (Gabon) (*spoke in French*): My delegation welcomes this debate on the protection of civilians in armed conflict, and we thank you, Mr. President, for having convened it. This debate is taking place at a time when the world, in particular Africa and the Middle East, is in a state of upheaval as a result of crises whose humanitarian and human rights consequences are of major concern to the Council.

We would like to thank Ms. Valerie Amos, Mr. Alain Le Roy and Mr. Ivan Šimonović for their respective contributions to our debate. We wish also to express our deep appreciation and full support for the work that they and their teams are carrying out on the ground.

During the most recent debate on this issue (see S/PV.6427), the Council emphasized the need to strengthen the aspect of the protection of civilians in peacekeeping operations. Today we have an opportunity to deal with the question in a comprehensive manner, focusing on two key aspects: in the framework of peacekeeping operations and in emergency situations.

The situation in the Democratic Republic of the Congo, in Côte d'Ivoire and in Libya, as well as other crises, has shown that the vulnerability of civilians in crises continues to be marked by violence of increasing intensity as a result of clashes and confrontations between armed groups. Be it continuing, unpunished violence and sexual abuse, violence related to the exploitation of natural resources or violence resulting from terrorist acts, Gabon has consistently condemned all violence against civilians as well as all acts whose victims are civilians. Such acts must not go unpunished.

With respect to the protection of civilians in the Democratic Republic of the Congo, one of the longstanding problems in that respect has been insufficient funding and a lack of means of communication, which has hindered the effectiveness of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) on the ground. We welcome the progress made recently in that area, which has enabled MONUSCO to ensure better protection for vulnerable peoples.

With respect to the systematic violence carried out against women and girls, we welcome the investigations that are under way in the country, which reflect the determination of MONUSCO and of the Congolese Government to combat impunity.

The Ivorian crisis raised legitimate concerns given the heavy price paid by civilians during the post-electoral situation. The implementation by the United Nations Operation in Côte d'Ivoire (UNOCI) of resolution 1975 (2011) made it possible to reduce the scale of the massacres and to avert a widespread civil war.

In the case of Libya, beyond Gabon's support for resolution 1973 (2011), we would like to reaffirm that

the objective of setting up a no-fly zone in the country was the protection of the civilian population. We remain concerned at the deterioration of the humanitarian situation, which has an impact on civilians. We remain convinced that the establishment of a ceasefire and the initiation of a concerted political solution are important prerequisites for improving the humanitarian situation and for more effectively protecting civilians on the ground.

Recent crises make clear that we must continue to seek effective solutions so as to face the immediate challenges involved in ensuring the security and physical protection of the most vulnerable civilians: the need to ensure that the most vulnerable have access to humanitarian aid, and the need to induce armed groups to spare civilian populations. I should like here to highlight our concern as to the increasing use of explosive munitions in heavily populated areas.

I should like also to highlight two key elements, which have already been mentioned by other delegations.

First, there is a need to reaffirm the norms of responsibility. It must be reiterated that the protection of civilians in conflict is the responsibility of the States and parties to the conflict, even if other actors are also involved. Law alone cannot put an end to a crisis, make it possible to emerge from such crisis or even ensure the protection of civilians. It is first and foremost our determination to enforce the law that will make a difference. That where our responsibility as members of the Security Council comes in, as was the case recently with respect to Libya and Côte d'Ivoire.

The second element is the need to maintain the impartiality and neutrality of humanitarian action. The implementation of resolution 1973 (2011) shows how difficult it is to carry out humanitarian work at a time when a military operation aimed at protecting civilians is under way. In such a context, it is important that humanitarian actions remain neutral and impartial.

As we have highlighted in the course of previous debates on this issue, the protection of civilians requires new approaches that focus on awareness-raising and prevention. It is important to make agreed norms and principles widely known and to ensure that everyone is aware of the consequences of failing to respect such norms and principles.

In conclusion, we cannot address the issue of the protection of civilians without linking it to the causes of conflict, which are often connected to issues related to the democratization of States, good governance and the establishment of the rule of law. Prevention of conflict and mediation are the peaceful solutions to which we should accord priority in our actions, so as to create an environment that, in the end, will reduce the risk of armed conflict and its disastrous consequences for civilian populations.

Finally, I should like to stress the need to adapt the mandates of peacekeeping operations to the realities on the ground, and, above all, to ensure that commensurate resources are made available for their implementation.

Mr. Salam (Lebanon) (*spoke in Arabic*): At the outset, I should like to thank you, Mr. President, for having organized this debate. I should also like to thank Ms. Amos, Under-Secretary-General for Humanitarian Affairs; Mr. Le Roy, Under-Secretary-General for Peacekeeping Affairs; and Mr. Šimonović, Assistant Secretary-General for Human Rights and Head of the New York Office of the Office of the United Nations High Commissioner for Human Rights.

Today wars and conflicts have encroached upon safe, densely populated cities and villages. Every citizen is now in the line of fire and can lose his or her life, arbitrarily, at any time. Thus living far from the threat of armed conflict has become an indispensable humanitarian requirement for a safe and decent life. That is the basic challenge that all individual States and the international community as a whole must strive to meet.

States are primarily responsible for protecting their civilians and accountable for grave violations of international humanitarian law. Thus, it is a top priority for the international community to strive to support national efforts in that regard. We recall here the obligation of occupying Powers to protect civilians under occupation and to safeguard the delivery of humanitarian assistance to the needy, pursuant to the provisions of international law and international humanitarian law, particularly The Hague and Geneva Conventions. We reiterate our condemnation of the ongoing Israeli blockade of Gaza and restrictions on the delivery of humanitarian assistance thereto. We call on the Security Council to assume its responsibility to end that anachronistic practice.

It is also important to provide reliable and up-to-date information to the Security Council on imminent threats to civilians at any time or place. Such information allowed the Council to respond swiftly to the need to protect civilians in Libya by adopting resolution 1973 (2011). There is no doubt that the adoption and timely implementation of that resolution prevented a looming humanitarian disaster in Benghazi and other areas in Libya. In that regard, we emphasize the need for all parties in Libya to respect international humanitarian law. We condemn the use of heavy weapons and cluster munitions against civilians, particularly in the light of the suffering experienced in southern Lebanon due to Israel's use of those brutal weapons in its 2006 aggression.

Lebanon also stresses the need to hold responsible the perpetrators of crimes against the Libyan people. Indeed, accountability promotes compliance with international law. The trial of those responsible and the payment of compensation represent the administration of justice and deter potential violators. We wish in that regard to reiterate our demand that Israel pay compensation for the material and human losses incurred in the war it launched against Lebanon in 2006.

While the Security Council's actions against Libya were exceptional and represented the last resort in addressing an imminent threat, the Security Council and the international community have means of protection at their disposal. The sustainable protection of civilians cannot be achieved unless we address the root causes of conflict. The United Nations must therefore spare no effort in promoting the political settlement of disputes, particularly through comprehensive dialogue, national reconciliation and reintegration.

The rule of law is at the heart of protection. We must strive to help States emerging from conflict to build their judicial and security institutions and to foster a culture of protection. Finally, the protection of civilians should remain the focus of the international community's efforts. We have a collective responsibility to protect the voiceless millions on whom conflicts are imposed, to horrifying effect. We hope that everyone will step up to the plate.

The President (*spoke in French*): I shall now make a statement in my national capacity.

I thank Ms. Amos, Mr. Leroy and Mr. Šimonović for their briefings. I associate myself with the statement to be made by the Acting Head of the Delegation of the European Union.

I wish to stress three points. First, when grave violations of international humanitarian and human rights law, war crimes and crimes against humanity are committed, it is the responsibility of the Security Council to intervene to end them. That is what we did in Libya. The Security Council authorized the forces of the coalition to protect civilians under bombardment ordered by their leaders. By striking Colonel Al-Qadhafi's forces before they entered Benghazi, France and its partners helped to prevent a massacre there. By demining the port of Misrata, we enabled humanitarian assistance to be delivered and civilians to be evacuated.

In Côte d'Ivoire, the Security Council gave the United Nations Operation in Côte d'Ivoire (UNOCI) the resources it needed to fulfil its protection mandate. By helping to neutralize heavy weapons being used against civilians, UNOCI prevented the commission of atrocities. We hope that the resolve UNOCI has demonstrated will serve as a point of reference for all United Nations peacekeeping operations.

In the Democratic Republic of the Congo, the United Nations Organization Stabilization Mission should continue to intervene with equal resolve. We must support the Congolese authorities in building the capacity to ensure the effective, long-term protection of civilians.

Secondly, France believes that the protection of civilians and human rights is a priority in all situations. We are determined to ensure that the Security Council shall continue to take measures tailored to individual situations. For instance, the Government of Syria is firing on and besieging its own people, and resorting to arbitrary arrests by the thousands, forced disappearances and torture. This must end. Demonstrators, human rights activists and journalists should be freed and freedom of expression respected. The Government should cooperate with the commission of inquiry of the Office of the High Commissioner for Human Rights and authorize humanitarian access, including for the assessment mission dispatched by the Office for the Coordination of Humanitarian Affairs.

Thirdly, the protection of civilians requires the victims to receive justice. The main responsibility in that respect falls to States, but the international community should support or supplement their efforts if they fall short. That is why the Government of Sri Lanka should undertake independent and impartial investigations into the alleged grave violations of international humanitarian and human rights law documented in the report of the Secretary-General's Panel of Experts, and those responsible should be tried. The Government of Sri Lanka must implement the other recommendations contained in the report and continue to cooperate with the United Nations.

In Darfur, although the International Criminal Court issued arrest warrants for crimes against humanity and genocide, nothing has changed. Humanitarian access continues to be impeded, civilians continue to be bombed, and militias continue to surround the refugee camps. That is unacceptable.

In recent months, the Security Council has demonstrated its capacity to apply the principles of the protection of civilians to concrete situations in which civilians are threatened. We must pursue those efforts.

I resume my functions as President of the Security Council.

I give the floor to the representative of Uruguay.

Mr. Cancela (Uruguay) (*spoke in Spanish*): I shall be brief in order to expedite this debate. Allow me to commend you, Sir, for having convened this debate and to underscore the importance of the ideas set forth in the briefings we heard at the start of this meeting.

Within the United Nations, the concept of the protection of civilians in armed conflict applies to various situations, such as humanitarian activities, including access for and the protection of humanitarian personnel as they go about their work; peacekeeping; peacebuilding; and situations arising out of international criminal responsibility, among others.

In recent years, an in-depth and wide-ranging conceptual and operational debate has taken place at Headquarters on the protection of civilians in armed conflict in the context of peacekeeping operations. That has been the case not just in the Security Council — an organ that has discussed this issue since the days of the United Nations Mission in Sierra Leone, in 1999 — but also among the entire membership through the specialized and representative bodies of the General Assembly.

Although mandates to protect civilians are considered on a case-by-case basis, and while there is genuine room for improvement, we cannot fail to underscore that there has been much progress in achieving greater consistency in implementing such mandates and evaluating existing problems and limitations and seeking solutions to them. In our view, this is bringing about positive results in New York and the field, some of which can be clearly discerned while others are intangible.

How do we measure what we have avoided? How do we quantify costs in human lives and the different types of damages averted by the presence of the United Nations with clear mandates to protect civilians? How valuable and how influential are the political agreements on this issue that various stakeholders, including troop-contributing countries, have reached at Headquarters in recent years? That is impossible to calculate; however, there is no doubt that it entails very valuable capital that we do not have the luxury of squandering or imperiling. It is much easier to destroy than to build anything, including trust.

We must therefore be very careful when it comes time to carry out efforts in the context of a legally binding instrument that carries the legitimacy of the United Nations vis-à-vis the protection of civilians. Similarly, while we favour moving ahead with the debate on implementing the responsibility to protect, without failing to acknowledge the intrinsic overlap with the protection of civilians, we believe that it is important that we be clear in our references to these concepts and that we take into account the singular nature of each one — which have distinct legal characters and have followed clearly differentiated discussion processes.

We do not for an instant forget that the ultimate goal must always be to protect the physical, mental and emotional integrity of the human beings under threat today, but also those who will tomorrow depend upon the presence or mandate of the United Nations to ensure that their lives, integrity and dignity are safeguarded. In that regard, my delegation would like to take this opportunity to reiterate the urgent need for all parties involved — at all times and in all situations — to consistently and impartially preserve, strengthen and respect the exact terms of the mandates

of the Security Council and the norms of international humanitarian law, which are the foundation upon which rests the protection of civilians in armed conflict.

Having reached a propitious point when it comes to the protection of civilians, what must we now do to maintain that state in the current circumstances? This is a question that all of us should ask ourselves. We believe that it is crucial that we focus on addressing the major practical challenges that have concrete impacts on the ground.

From our perspective as troop contributors, there is no more pressing and clear challenge than that of bridging the enormous gap between protection-of-civilian mandates and the necessary resources to effectively carry them out. There is also much room for improvement in the area of training, both during pre-departure and post-deployment.

We are optimistic when it comes to improving coordination among the various stakeholders on the ground charged with implementing mandates, in the context of the overarching protection strategies that missions must develop. However, we believe that more work must be done with local authorities and communities in the area of managing expectations and that of public communication and information strategies. Those are aspects of the recommendations that were formally adopted yesterday by the Special Committee on Peacekeeping Operations.

Moreover, it is always imperative to facilitate access for humanitarian personnel and to ensure that international humanitarian law is respected by all parties concerned in every situation, so as to ensure adequate security conditions for staff to carry out their tasks.

At the same time, we reiterate that every human response must be sustainable and take into account the development perspective. In that regard, it is essential to ensure the building of adequate capacities at the national level.

Finally, I would like to reiterate that Uruguay believes the agenda on the protection of civilians in armed conflict to be a multidimensional one. It is informed and sustained by more specific, although closely linked, issues, such as, among others, those of children in armed conflict and women and peace and security. It is therefore essential to make progress in as coordinated a manner as possible in order to achieve synergies, avoid duplication of effort and, as effectively as possible, take advantage of the tools at the disposal of the Organization in the field. That will make possible greater coordination among all stakeholders involved, which will lead to more coherent responses in the protection of civilians — especially for groups in vulnerable situations, who are the most exposed and require greater efforts to secure their effective protection. That will also make it possible for us to focus more closely on post-conflict tasks, such as the reintegration of victims whose rights have been gravely violated and children who have been affected by armed conflict.

The President (*spoke in French*): I now give the floor to the representative of Italy.

Mr. Ragaglini (Italy): I, too, wish to express my deep appreciation to Under-Secretary-General Valerie Amos for her briefing, which gives us a broad picture of the challenges we face in the protection of civilians in armed conflict. I also wish to thank Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, and the Assistant Secretary-General for Human Rights, Mr. Šimonović, for their important contributions to this timely debate.

Italy fully endorses the statement to be delivered by the representative of the delegation of the European Union and wishes to add a few remarks in its national capacity.

The violence perpetrated against populations, even women and children in some cases, in Côte d'Ivoire, Libya, Yemen and, more recently, Syria is a tragic reminder of the importance of protecting civilians. Italy calls on all States and non-State actors to abide by international humanitarian and human rights law and has always been ready to help all parties to a conflict to exercise their responsibility to protect civilians.

Italy also wishes to recall that safe humanitarian access is an indispensable part of international humanitarian law. We are therefore concerned by the severity and prevalence of existing constraints on humanitarian access, as well as by the continuous risk of attacks on humanitarian personnel.

Over the years, the United Nations has set up a comprehensive system to prevent and monitor serious violations of human rights and humanitarian law, as

well as to combat impunity and to take action when violations occur. The international community is accountable for making that system work. In that regard, the Security Council has a crucial role to play and must be ready to take prompt action against those who undermine the commitment made by the heads of State and Government in the 2005 World Summit Outcome document (General Assembly resolution 60/1) and reaffirmed in resolution 1894 (2009).

United Nations peacekeeping operations have a significant impact on enhancing the protection of the civilian population and must therefore focus every effort on accomplishing that task, using all available capacities. We believe that more systematic mechanisms — such as indicators and benchmarks relating to the implementation of Security Council decisions on the protection of civilians — should be put in place. We therefore welcome the fact that some United Nations peacekeeping operations have already adopted comprehensive strategies for the protection of civilians and have developed benchmarks to measure progress in achieving that goal. In addition, we welcome the important progress made in this field during this year's session of the Special Committee on Peacekeeping Operations and in the Strategic Framework for Drafting Comprehensive Protection of Civilian Strategies in United Nations peacekeeping operations, now finalized by the Secretariat.

There is no avoiding mention of the Libyan crisis, also in the light of the important results obtained at the second meeting of the Contact Group on Libya, held in Rome on 5 May. With repeated attacks on civilians, including women and children, the situation in the country had deteriorated so drastically that international action to protect the population was the only viable option. That is why Italy supported the Security Council's intervention from the beginning of the crisis and, in complete coherence with resolutions 1970 (2011) and 1973 (2011), contributed to the collective action under way, which has prevented even greater violence being committed against the Libyan people.

The meeting in Rome confirmed the need to increase pressure on Al-Qadhafi's regime through all necessary and legitimate means. While we stress the importance of the NATO-led Operation Unified Protector — which is crucial to the achievement of the goals of the Security Council resolutions and to the effective protection of the Libyan population — the political and economic component must also be firmly supported to secure a complete cessation of all violence and attacks on and abuse of civilians.

Part of the work of the Contact Group meeting was dedicated to humanitarian assistance to Libya, to which the international community is greatly contributing. Italy has always been at the forefront of aid provision. Less than two weeks after the beginning of the insurgence, our first aid packages were delivered to Benghazi. We then strengthened the assistance capacity of Camp Choucha in Tunisia, provided humanitarian assistance in Misrata, repatriated third-country nationals, transported some of the wounded from Benghazi to Italy, and responded to the regional flash appeal for the Libyan crisis.

We reiterate our firm support for the United Nations role in leading and coordinating international efforts. It is thus our great hope that the United Nations can urgently restore a presence in Tripoli in order to coordinate the delivery of humanitarian assistance and to establish, with the Government authorities, the ways and means to allow humanitarian organizations full access to the affected populations, in fulfilment of the agreement of 17 April 2011 between the Office for the Coordination of Humanitarian Affairs (OCHA) and the Tripoli authorities. Should that not happen, I would also like to reaffirm that Italy is ready to participate in any future European Union action to assist and to secure the delivery of aid, if requested by OCHA.

We are also deeply concerned by the troubling developments in Syria. The lack of access to the areas where the violence has been most intense and the consequent inability to obtain reliable information about the needs of the civilian population are cause for even greater concern. We strongly urge the Syrian Government to honour its responsibility to protect its population, and we invite it to immediately stop the repression under way and to begin a dialogue with those who want reform, as President Al-Assad has promised. We support the Secretary-General's appeal to allow a United Nations humanitarian team into the towns worst hit by the protests and the violence.

In conclusion, I would like to express Italy's deep appreciation for the increased attention that the Security Council has given to the issue of the protection of civilians, which is more relevant now than ever. The adoption and implementation of the resolutions on Libya and Côte d'Ivoire are a clear

testament to the Council's commitment to operating effectively and with determination to guarantee the protection of civilians in armed conflicts. The international community has shown that it is ready to act collectively and resolutely, through the United Nations and its organs and in accordance with the Charter, against perpetrators of violent and inhumane attacks against civilians.

The President (*spoke in French*): I now give the floor to the representative of Cuba.

Mr. Núñez Mosquera (Cuba) (*spoke in Spanish*): It is a pleasure to see you, Mr. President, presiding over the work of the Council for the month of May.

The protection of civilians in armed conflicts is an issue of indisputable significance. At this meeting, we would have preferred to have had this year's report of the Secretary-General on the topic, which, unfortunately, has still not been issued. The last report (S/2010/579) has shortcomings that were pointed out at the time by many countries, including the Movement of Non-Aligned Countries. On this occasion, however, we will have to restrict ourselves to making slightly more general remarks.

Despite the effort made, there are still many aspects to be clarified with regard to the protection of civilians, such as, inter alia, who decides when there is a need to protect; who decides that a State is not protecting its population, and on what basis; who determines the action to be taken, and under what criteria; what are the limits for the duration; and how to prevent the issue being used for the purposes of intervention and interference.

The position of my delegation on the issue under consideration is well known. As pointed out by Comrade Fidel Castro, the historical position of the Cuban revolution, which always opposed actions that threatened the lives of civilians, is also known. The obligation and responsibility of States to promote and to protect all rights of their population are beyond doubt.

Cuba denounces measures that violate the sovereignty of States, the Charter of the United Nations and international law being taken under the cloak of humanitarian protection. We oppose the death of innocent people, whatever the circumstance and place, as we categorically condemn aggression under whatever garb its hides.

Despite all the efforts made by the United Nations, including the sincere and selfless effort of many members of this Security Council, a great number of civilians continue to suffer throughout the world. The steps taken to date have not produced the desired results or allowed the addressing, as a whole, of all the implications of attacks on civilians and their consequences for international peace and security, including their humanitarian consequences.

The fact is simply that some have tried to ignore that respect for the sovereignty of States is the cornerstone of international relations and that it can in no way be disregarded or undermined. If the United Nations has not been able to fully play its role in assisting and protecting the millions of people in need around the world, especially in underdeveloped countries, it is because of the lack of political will in the Organization, as demonstrated by those who have imposed an unjust and inequitable international economic order.

If the Organization has often not been able to act as it should in many situations, it is because of the selectivity and double standards to which it has been subjected and because the resources for development needed by most of its Members are increasingly limited, despite the fact that underdevelopment problems are among the root causes of many conflicts, as stated in the Council in February (see S/PV.6479). It is because of the distortions in the work of some of its organs, in particular the Security Council, to the detriment to the General Assembly.

We must recognize that no legal provisions exist by which to justify the legal nature of an intervention on the basis of humanitarian reasons or pretexts. The Security Council would have to undergo profound reforms, including in its membership and working methods, to ensure that any civilian protection actions taken would be non-abusive and non-selective.

The necessary consent of a State for any measure proposed in relation to its civilian population is an inviolable principle that must be fully respected. Otherwise, as has often been the case, we would run the risk of engaging in actual military interventions in internal conflicts and in regrettable civil wars, with the supposed consent of the United Nations. In that regard, it is essential that the role of approved peacekeeping missions in protecting civilians be duly clarified from the beginning.

Lastly, it is imperative to permanently stamp out as well the dual morality and double standards exemplified by some Governments with regard to the protection of civilians. A mission as noble and commendable as that of protecting civilians cannot be invoked as a pretext for achieving spurious political and economic objectives, as has been the case with the implementation of resolution 1973 (2011), which was imposed on the Security Council on 17 March and which provides a clear example of this. Nothing in the resolution authorizes, under the pretext of humanitarian actions or protecting civilians, the bombing of cities or populated areas resulting in the death of more innocent civilians, the destruction of schools, homes and hospitals and further suffering of the civilian population.

How can indiscriminate bombing, the use of sophisticated weapons and aircraft and the death of innocent people, including children, under the pretext of protecting other equally innocent civilians, be justified? The United Nations has made no statements whatsoever regarding the protection of the civilian victims of NATO's aggression against a sovereign country. The silence of the Organization in the face of the murder of innocent people, including women and children, perpetrated by the foreign troops attacking that country, is outrageous.

How can we understand the inaction and dysfunction of the Security Council in the face of the death of innocent Palestinian civilians, who themselves have even fallen victim to the excessive and indiscriminate use of force?

The President (*spoke in French*): I now give the floor to the representative of Switzerland.

Mr. Seger (Switzerland) (*spoke in French*): As I an taking the floor on behalf of the Human Security Network, I will deliver my statement in English and thank you, Sir, for your understanding.

(*spoke in English*)

It is my honour to speak on behalf of the Human Security Network, namely, Austria, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Norway, Slovenia, Switzerland and Thailand, and South Africa as an observer.

We would like to thank the French presidency of the Security Council for having organized this important debate. We would also like to thank the Under-Secretary-General for Humanitarian Affairs, the Under-Secretary-General for Peacekeeping Operations and the Assistant Secretary-General for Human Rights and Head of the New York Office of the Office of the United Nations High Commissioner for Human Rights for their presentations today.

The protection of civilians in armed conflict is a priority of the Human Security Network. We highly value the continued attention that the Security Council is giving to that important issue. The holding of informal consultations of the Security Council on protection issues last February was a welcome step to address the three pillars of the protection architecture — namely, the protection of civilians, children and armed conflict, and women and peace and security — in a comprehensive and coherent manner.

Significant progress has been made in recent years in the normative and institutional framework with the adoption of important resolutions, most recently resolution 1960 (2010), which established a monitoring, analysis and reporting mechanism on conflict-related sexual violence. However, emphasis must now be placed on progress in enhancing protection on the ground. The worrying recent increase in the number of conflict situations, in particular in countries in North Africa and the Middle East, leaves no doubt that we need to strengthen our efforts so as to protect civilians from the impact of armed conflict and from becoming targets of attacks. We are deeply concerned by the use of force against civilians and by ongoing violations of international human rights, refugee and humanitarian law.

The Security Council should strongly, systematically, consistently and promptly respond to serious violations of international law concerning civilian populations in all situations and without distinction, as it has done with the adoption of resolution 1973 (2011) in response to events in the Libyan Arab Jamahiriya, and of resolution 1975 (2011), reinforcing the protection mandate of the United Nations Operation in Côte d'Ivoire.

The Human Security Network would like to reiterate the importance of appropriate and determined action by the Security Council to stop and prevent further violations of international law. The recently updated aide-memoire on the protection of civilians in armed conflict (see S/PRST/2010/25, annex) serves as a useful tool in that regard.

We also believe that such initiatives as the so-called horizon-scanning briefings of the Secretariat, if held at regular intervals, can be a useful means to enhance the Council's capacity to prevent violations and should be continued. The systematic monitoring of situations of armed conflict, as well as the inclusion of detailed information relating to the protection of civilians in country-specific reports of the Secretary-General, is also important. We welcome the fact that the Secretariat is currently developing guidance in that regard.

The Human Security Network advocates a people-centred, holistic approach to security. That includes a focus not only on the protection of civilians once a conflict situation occurs, but also on prevention in a broader sense. In our view, peace and security, development and human rights are indivisible and interdependent. Therefore, human security threats and vulnerabilities, such as the lack of development, poverty, inequality or human rights violations, have to be addressed in a comprehensive and integrated way. The active empowerment of the individual, especially of those that are most vulnerable, is an effective protection strategy.

All parties to an armed conflict must respect obligations under international humanitarian, human rights and refugee law. Recent events have once again highlighted how humanitarian assistance is crucial in times of conflict. The Human Security Network condemns all attacks on humanitarian workers. All parties to conflict bear the responsibility of allowing and facilitating access for the delivery of such assistance.

In addition to enhancing compliance with international law and strengthening national protection capacities, we recognize the major role of United Nations peacekeeping operations, the majority of which are mandated with protection-related tasks, in the protection of civilians, including in the area of prevention. Peacekeepers cannot stand by when civilians are attacked. The international community, in close coordination with troop-contributing countries, must ensure that peacekeeping operations are provided with the necessary resources and capabilities, as well as with operational guidance, to implement their protection tasks effectively. Force commanders have the responsibility to develop comprehensive and effective strategies for the protection of civilians, and to ensure that they are implemented vigorously.

The Human Security Network welcomes the progress made over the past months by the Department of Peacekeeping Operations in the development of a set of important tools enabling peacekeeping operations to carry out protection mandates in a coordinated, coherent and proactive manner. The strategic framework for protection of civilians strategies will provide guidance to missions in this area and will help to further clarify the roles and responsibilities of all relevant actors. The resource and capability matrix will assist both in planning missions with protection mandates and in drafting protection strategies. Finally, the envisaged protection of civilians training modules will ensure that peacekeepers are adequately prepared for implementing protection activities on the ground.

We also encourage the members of the Security Council to continue to make regular use of the informal Expert Group on the Protection of Civilians, which provides, inter alia, valuable input to the revision of the mandates of peacekeeping missions involving protection tasks.

Respect for and implementation of international humanitarian and human rights law are inextricably linked with ensuring accountability and the fight against impunity. The importance of ending impunity for criminal violations of applicable international humanitarian and human rights law should be seen as part of a comprehensive approach to seeking sustainable peace, justice, truth and national reconciliation. We welcome in this respect resolution 1894 (2009), which draws attention to the full range of justice and reconciliation mechanisms to be considered, including national, international and mixed criminal courts and tribunals, and truth and reconciliation commissions, as well as national reparation programmes for victims and institutional reforms. In this regard, we support the important and complementary role of the International Criminal Court (ICC) and welcome the Security Council's recent consensual decision to refer the situation in the Libyan Arab Jamahiriya to the Prosecutor of the ICC.

In situations where there are serious allegations of violations of international law and significant civilian casualties, Governments are obliged to conduct effective investigations and prosecutions. Where this is not done, independent international accountability mechanisms should be established. We welcome in this regard the proposals for enhancing accountability contained in the Secretary-General's most recent report

on the protection of civilians (S/2010/579), such as the possibility of mandating commissions of inquiry to examine situations where concerns exist about serious violations of international humanitarian and human rights law.

(*spoke in French*)

I would now like to share a few observations in my national capacity.

Switzerland welcomes the assertive manner in which the Council has worked to address situations of concern in recent months. In particular, I would like to underline the importance of timely and concerted action by the Council, using the whole range of tools that the international community can apply in the case of widespread violence against civilians. This includes, in particular, applying deterrent measures such as asset freezes, travel bans and early ICC referrals.

The Council needs to ensure that its actions to protect civilians are coherent and non-selective in order to ensure its political sustainability in the long term. Switzerland therefore urges the Council to devote more attention to situations that are not formally on its agenda, as recommended in paragraphs 102 and 103 of the report of the Secretary-General on the protection of civilians of November 2010.

The momentum created by recent decisions of the Council may be lost if situations that are just as important as those in Libya and Côte d'Ivoire are not addressed. Failure to do so may lead to the perception of the whole concept of the protection of civilians as purely utilitarian, further endangering civilians and those charged with protecting them on the ground.

Among the various situations that would merit the Council's attention, Switzerland is very concerned about threats to civilians in Syria and firmly condemns the human rights violations that have been committed there. We are concerned by the behaviour of the security forces towards non-violent protesters and civilians who are not participating in protests.

We must also ensure that the most visible situations do not cause us to lose sight of other, long-term protection tasks. Humanitarian access remains difficult in many instances, including in regions that are not usually at the centre of the Council's attention.

Switzerland welcomes the fact that the United Nations in general and the Security Council in particular are addressing another aspect of the protection of civilians more systematically, namely, the duty to investigate allegations of violations of international humanitarian law or human rights and to hold their alleged perpetrators accountable. The recent referrals of situations to the ICC are striking examples of this positive trend. In this regard, Switzerland would also like to stress the importance of the report of the Panel of Experts on Accountability in Sri Lanka mandated by the Secretary-General.

The President (*spoke in French*): I now give the floor to the representative of Sri Lanka.

Mr. Kohona (Sri Lanka): Let me join the previous speakers in thanking France for convening this open debate under its presidency. I note the presentations made by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the Under-Secretary-General for Peacekeeping Operations and the Assistant Secretary-General for Human Rights.

We followed carefully the issues highlighted at the most recent Security Council debate on this subject, held in November 2010 (see S/PV.6427). As a country that faced a brutal terrorist threat for over two and a half decades and whose civilians were a constant target of this threat until the very end, we see an overarching need to achieve more tangible change, especially in enhancing protection on the ground for the communities most affected by conflicts.

We also emphasize that this protection task cannot be understood or addressed solely within traditional frameworks, as today's threats require us to be conscious of a multiplicity of different factors, ranging from changing political realities, socio-economic factors, the basic rights of individuals, the proliferation of small arms, asymmetric warfare and the sophistication of terrorists to the complexities of disarmament. We must pay special attention to vulnerable categories, such as women and children, who are increasingly exploited by terrorist groups. A realistic and honest appraisal of protection issues will help us to identify gaps in the existing protection policy frameworks and guide our collective efforts at effectively addressing them in a pragmatic manner.

During almost three decades of combating terrorism in our country, we took utmost care to draw a clear distinction between civilians and terrorists. Those who are intent on dismissing this effort will continue to

do so, but successive Governments ensured a continuous supply of essential goods and services, such as food, free health services and education, to civilians in the north and the east of Sri Lanka over the 27 years of the conflict, despite the control that the terrorists had over them. While allegations of infractions of international standards emerged after the end of the conflict, those allegations were not heard until the end became abundantly clear to the terrorist group. Once the end of the terrorists became obvious, a well-oiled propaganda machine began to churn out reams of allegations to set the stage to continue the conflict by other means.

During the conflict, Sri Lanka also engaged closely with the international community and related human rights and humanitarian mechanisms — United Nations agencies, the International Committee of the Red Cross and local and international non-governmental organizations — to facilitate provision for the needs of civilians in terrorist-controlled areas, despite the constraints imposed by logistical and security needs. This close cooperation has extended to the aftermath of the conflict by providing for the needs of the displaced population, their resettlement and reintegration, and the reconstruction of their homes.

Many of today's conflicts take place within States and involve non-State armed groups. Sri Lanka's experience relates in particular to the challenges we faced in protecting civilians in the context of an internal conflict — a challenge to the State itself, involving a ruthless terrorist group, the Liberation Tigers of Tamil Eelam (LTTE). In Sri Lanka, that terrorist group made the Tamil civilian population a part of its military strategy. The terrorists' brutal strategy was to create a situation inviting civilian casualties by forcing civilians to be trained in weapons and to take up arms, recruiting children for combat duties, herding thousands of civilians to form human shields, holding them hostage and placing heavy guns in their midst, attracting retaliatory fire.

Some of the children were under 12 years of age. UNICEF recorded over 5,700 cases of child recruitment. The LTTE withheld food supplies sent by the Government and diverted those supplies for use by its armed cadres. The civilians being used as a human shield by the terrorist group were our own people. This strategy of the LTTE posed extraordinary operational challenges to our security forces engaged in combating the group while ensuring the protection of civilians. The Government, for its part, adopted a zero-civilian casualty policy. Our troops endeavoured to distinguish between combatants and civilians, and the protection and liberation of civilians from the clutches of the terrorist group were their highest priority. Over 280,000 civilians were eventually freed.

In this context, the challenges posed by terrorism in many parts of the world today may necessitate a re-examination of the rules of military engagement. Many of the rules of war are largely based on the presumption that the parties to a conflict are conventional armies of responsible States engaging other State parties. But terrorists disregard those laws and principles as they wage asymmetric warfare. They mingle with civilians and use them to achieve their goals.

Whether it is one human being held as a human shield or many, the fact remains that terrorists employ inhumane strategies that existing international humanitarian law may not have adequately taken into consideration. Once again, we must seriously investigate the practical realities learned in the experiences of Member States instead of attempting the theoretical application of a one-size-fits-all humanitarian framework. One size does not fit all, and the complex Sri Lankan experience would seem to demonstrate that reality.

There is a need to recognize the fundamental role of the State in civilian protection. In the first place, the role of Governments in civilian protection should be respected as it is their primary responsibility to protect their own citizens. The United Nations and humanitarian agencies must support and assist Governments, and in doing so be sensitive to ground realities, including by respecting the sovereignty of States.

Unfortunately the politicization and selectivity that characterize the debate have affected its credibility. The willingness to accept wild and unsubstantiated allegations made in the media — even those disowned by senior United Nations officials — is extremely unfortunate. Such an inconsistent approach and an unambiguous tendency to target the small and the weak for the rigorous application of principle also affect post-conflict reconciliation in complex country situations. Difficult reconciliation processes that are

successfully moving ahead are disrupted by insensitive external interventions.

In keeping with the recognition that it is the first and foremost responsibility of States to address infractions of the law, and with a view to initiating a long-term healing process, the Government of Sri Lanka has established a Lessons Learnt and Reconciliation Commission to address reconciliation and confidence-building issues, including accountability.

My delegation hopes that the Council's discussion on the protection of civilians will facilitate practical outcomes based on ground realities. It is for this reason that my delegation has sought to share our experience and to urge all of us to invest greater efforts in preventing conflicts and their recurrence and to respond practically and proportionately to situations affecting civilian populations. It is also our view that seeking to punish the past does not ensure a guilt-free future.

The President (*spoke in French*): I now call on the representative of Japan.

Mr. Nishida (Japan): I would like to thank you, Mr. President, for convening today's debate on the protection of civilians. I would also like to thank Under-Secretary-General Valerie Amos, Under-Secretary-General Alain Le Roy, and Assistant Secretary-General Ivan Šimonović for their briefings.

First, allow me to emphasize that the primary responsibility to protect civilians, in accordance with humanitarian law and Security Council resolutions, fundamentally lies with the Government and the army of the country in which a conflict occurs. We are concerned that we still face constraints of access in many locations, as well as difficulties in the provision of humanitarian assistance to the vulnerable. We call for strict compliance by all parties with international humanitarian law. It is necessary for all of us to establish the rule of law — which includes strengthening judicial systems — and to continue the fight against impunity. We believe that, in order to prevent civilians being victimized and to strengthen the protection of civilians, it is necessary to effectively enhance systems of monitoring and reporting.

In the cases of Libya and Côte d'Ivoire, Japan commends the effective and timely role that the Security Council has been playing in the protection of civilians, and we expect the Council to continue to take effective actions to that end. As for the case of Libya, Japan has repeatedly called on the Libyan authorities to immediately cease committing acts of violence against the people of Libya, in accordance with the relevant Security Council resolutions. Japan strongly condemns the violence being perpetrated by the Libyan authorities against their own people, which has continued unabated despite the demands of the international community that it cease. Those who commit violence against the Libyan people, including Muammar Al-Qadhafi, should be held accountable for their actions, including through the International Criminal Court.

We support the Member States that are taking measures in accordance with resolution 1973 (2011) to protect civilians and civilian-populated areas under threat of attack in Libya. At the same time, Japan believes that all diplomatic efforts should be made to achieve an immediate ceasefire, and strongly supports all efforts in that regard, especially those of Mr. Al-Khatib, Special Envoy of the Secretary-General.

On Côte d'Ivoire, Japan supports the action taken, in accordance with resolution 1975 (2011), by the United Nations Operation in Côte d'Ivoire and the French forces that support it to protect civilians, including to prevent the use of heavy weapons in the deteriorating security situation since the end of November. We invite President Ouattara to cooperate with the international investigation of human rights violations in his country, and also expect the perpetrators to be punished so that there is no possibility of impunity.

A peacekeeping mandate for the protection of civilians must be clear and achievable. It is also important that the mission be provided with all the resources necessary for implementing its mandate. A comprehensive approach, along with the Council's resolutions, will ensure the successful protection of civilians through such measures as actions by the Sanctions Committee; strengthening of the rule of law through the Commission of Inquiry established by the Human Rights Council; and close cooperation with regional organizations, including the African Union and the Economic Community Of West African States.

The ability of the Security Council to enforce accountability for the protection of civilians, especially

women and children, must be further strengthened. In that regard, we expect that the monitoring, analysis and reporting arrangements on conflict-related sexual violence requested under resolution 1960 (2010) will be operational as soon as possible. We also expect the Council to take action to hold accountable any parties that attack schools.

The President (*spoke in French*): I now give the floor to the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): The Council has taken important decisions on the topic of protection of civilians in armed conflict, in particular resolutions 1265 (1999) and 1894 (2009). As in other thematic areas, however, it has struggled with the application of the provisions and principles of its thematic decisions when dealing with actual country situations. Recent events and decisions of the Council have cast today's debate in a different light. We hope that this will help the Council focus its future policies, including its consideration of the input of the wider membership.

The protection of civilians in armed conflict is first and foremost the responsibility of the parties to the conflict. State and non-State actors alike must at all times observe the rules governing armed conflict, in particular the Geneva Conventions. The Security Council must in turn use the broad range of means at its disposal to ensure respect for international humanitarian law, from insisting on respect for that law on the part of all parties to a conflict under all circumstances, to strengthening the protection mandates of peacekeeping missions and, last but not least, to using accountability mechanisms.

Recent events, especially in Libya, have led to discussions about how to define the moment when an internal armed conflict begins. This question is relevant to determining whether international humanitarian law applies in such a situation, in addition to applicable human rights laws. But it has no bearing on whether action is needed. The indiscriminate and disproportionate use of force against civilians is always unacceptable and always unlawful. Depending on the exact circumstances, such acts can amount to war crimes or crimes against humanity, but they must never be met with silence on the part of the intergovernmental bodies of the United Nations. There is also a collective responsibility to ensure the protection of civilians outside situations of armed conflict, and the Council acted accordingly in adopting resolution 1973 (2011).

In addressing the need to protect civilians in armed conflict or otherwise, the Council has to strike a balance between its customary case-by-case approach and the principles that should govern its action, including those contained in its own resolutions. Effectiveness must be a guiding principle of all action that the Council engages in, but effectiveness is also, among other things, a function of credibility. Such credibility is promoted if the action is perceived to be consistent and undertaken for the main purpose of achieving the stated goal.

Against that background, we welcome the action the Council has taken to protect the civilian populations of Libya and Côte d'Ivoire. But we also believe that other situations, particularly those in Syria, Yemen and Bahrain, also require greater attention from the international community. Likewise, there is a renewed common responsibility in light of the report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka. The Panel concluded that "the conduct of the war represented a grave assault on the entire regime of international law designed to protect individual dignity during both war and peace". Failure to protect a civilian population must not be compounded by indifference to efforts to create accountability.

For the second time in the history of the International Criminal Court, the Council, in resolution 1970 (2011), decided to refer a situation to the Court for investigation of the most serious crimes under international law. We welcome the referral as an expression of the Council's commitment both to contributing effectively to the fight against impunity and to a strong working relationship between the United Nations system and the Court. The referral is of particular value because it was decided by consensus. We hope that this consensus will also prevail when the Council is called on to act to ensure the implementation of follow-up action to resolution 1970 (2011). In the absence of universal ratification of the Rome Statute of the Court, such Security Council referrals remain the only means of ensuring quick and decisive action to fight impunity in a given situation. Creating ad hoc and separate accountability mechanisms such as tribunals would not only be very slow, but would also increase costs dramatically.

When it referred the situation in Libya to the Court, the Council underlined that it wished to avoid any financial responsibility for its decision, while at the same time it created an additional burden for the States parties to the Rome Statute. We note in this regard that the Security Council is not competent to make decisions on budgetary matters, and that the General Assembly may at any time enter into an arrangement with the Court for reimbursement of costs, as foreseen in the Relationship Agreement with the Court.

The action of the Council, or the lack thereof, on the topic of the protection of civilians has been one of the defining moments in its history. We hope that the Council will live up to the current challenges, different as they are, in order to agree on ways to ensure the protection of civilians.

The President (*spoke in French*): I now give the floor to the representative of Nicaragua.

Mrs. Rubiales de Chamorro (Nicaragua) (*spoke in Spanish*): First, I would like to thank you for having convened this debate under your presidency, Mr. President.

Since the last debate on this subject (S/PV.6427), many events have underscored the depth and solidity of the reasoning that has guided Nicaragua in the debates on the protection of civilians, both in the Council and in the General Assembly. What we are witnessing in Libya — the exploitation for political purposes of a noble subject by a small group of countries — has drained any credibility from the allegedly altruistic intentions behind the promotion of the protection of civilians.

Once again we have witnessed the shameful manipulation of the slogan "protection of civilians" for dishonourable political purposes, seeking unequivocally and blatantly to impose regime change, attacking the sovereignty of a State Member of the United Nations and violating the Organization's Charter. Once again, the logic of interventionism and hegemony has prevailed through a disastrous decision with incalculable potential consequences for tens of millions of individuals worldwide.

If the founding Charter of the United Nations does not include any kind of reference to a supposed right of humanitarian interference, that is not because attempts were not made at the time of its drafting to do so, but rather because it was obvious that this principle was attempt to interfere for purely political purposes in the internal affairs of States. That, inter alia, is why respect for the sovereignty of States, for non-interference and for non-intervention in the internal affairs of States was placed above any other consideration. Therefore, there is no legal justification for poorly defined concepts such as the protection of civilians to prevail over the sovereignty of States.

The Security Council must explain to us, particularly in the light of resolution 1973 (2011), how civilians are to be protected from shelling. We ought to be told — because we have the right to know — how many civilians have perished in the name of this alleged protection of civilians. We need to be told who is going to protect the civilians from their supposed protectors. Someone needs to explain to us how, in applying the protection of civilians, the assassination of a head of State of a sovereign country is planned. We must be told how the bombing death of innocent children contributes to the protection of civilians.

Here, I would like to quote Bishop Giovanni Martinelli, a witness of the atrocities committed by NATO's aircraft and the Apostolic Vicar in Tripoli:

> "Bombings, however targeted they may be, cause civilian casualties. Bombs are immoral. I ask myself then, is it moral to assassinate a head of State? What right to we have to do so?"

I would also like to recall what was said by Commander Daniel Ortega, President of Nicaragua, who stated a few days ago:

> "NATO's military intervention in Libya, condemned by heads of State, including by Pope Benedict XVI, by leaders, individuals and movements worldwide, is causing an ever-increasing number of civilian deaths. I reiterate Nicaragua's call for an immediate ceasefire. We once again call for a return to dialogue and negotiations, which should be the hallmark of international relations and of relations between the inhabitants of a country when any form of dispute divides its citizens."

In conclusion, I wish to underscore that the inexcusable double standard of actions dishonours and fatally undermines the credibility of the Council and tarnishes the Organization as a whole. Where is the Council's resolve when it comes to the heroic and

martyred Palestinian people? It is precisely this double standard that fuels, inter alia, the expansionist and occupation policies that allow Israel to continue to act with full impunity against the heroic Palestinian people and the Arab nation.

The President (*spoke in French*): I now give the floor to the representative of the United Arab Emirates.

Mr. Al-Jarman (United Arab Emirates) (*spoke in Arabic*): We welcome the holding of today's open meeting, which we consider a valuable opportunity to review the achievements of the international community so far in the area of the protection of civilians in armed conflict, particularly at this time when many regions are facing new forms of violence and turmoil following rapid upheaval among their peoples and in their political systems.

The United Arab Emirates reiterates its strong condemnation of the serious and tragic crimes committed against peaceful civilians, especially women, children and humanitarian and media workers, in areas of armed conflict. It wishes to emphasize that fair trials and proportional punishment for perpetrators and a system of legal accountability with no impunity all constitute a critical step in developing strategies and efforts to protect people.

We therefore call for the adoption and implementation of clear, comprehensive and achievable multilateral international and regional strategies that support the political, security, legal and humanitarian programmes being carried out by the United Nations in collaboration with other international and regional organizations with a view to protecting civilians in armed conflict and in crisis areas, in accordance with resolution 1674 (2006).

We also reaffirm that implementation of international and regional multilateral protective measures and plans must be based on principles of neutrality, justice and objectivity, particularly in the provision and coordination of adequate relief, humanitarian assistance and protection of humanitarian corridors, in order to ensure that assistance reaches affected people in a timely manner and alleviates their suffering. At the same time, we stress the need to separate these strategic plans and programmes from the conflict resolution process, in accordance with the rules of international law.

The United Arab Emirates has played a distinctive and transparent role in supporting efforts aimed at protecting civilians in conflict areas. It was among the first States to participate in international humanitarian operations and has made valuable contributions, including by providing various types of humanitarian relief and medical assistance to affected people, regardless of their affiliations or beliefs, in many conflict areas in the world. The latest of these tireless efforts is the United Arab Emirates' intensive and ongoing effort to alleviate the humanitarian crisis in Libya within the framework of resolution 1973 (2011).

In this regard, while we support the United Nations efforts to address the critical humanitarian situation of the Libyan people — including protection of civilians, accelerating the delivery of humanitarian supplies and ensuring the safety of humanitarian workers — the United Arab Emirates affirms its support for the Libyan people's legitimate aspirations to determine their future through an inclusive political process that will bring a lasting peace to their country.

We also affirm our commitment to the sovereignty, independence, territorial integrity and national unity of Libya. We will continue to cooperate with other international actors in their efforts to ensure the protection of civilians in Libya and their access to humanitarian assistance in accordance with Council resolutions 1970 (2011) and 1973 (2011).

In this context, we also call for all necessary measures to be taken to protect Palestinian civilians from the collective punishment and daily acts of excessive violence committed by Israel, the occupying Power, against them on their own territory. These measures must include the exertion of the necessary pressure on Israel to remove its inhumane and illegal blockade on the Gaza Strip in order to ensure that adequate humanitarian supplies, including basic construction materials, are delivered to the people of the Gaza Strip to enable them to rebuild and rehabilitate their institutions destroyed by the Israeli machine since 2006.

We call for strengthening the exchange of information, monitoring and reporting on crimes against humanity in armed conflict. We also favour the strengthening of the system to ensure that those responsible for such crimes do not enjoy impunity, so as to ensure that such crimes are not repeated. We also

advocate for the promotion of effective specialized judicial proceedings to address such crimes and for the development of national and international capacities in the areas of verification and prosecution.

In conclusion, as part of its commitment to the protection of civilians in armed conflict, the United Arab Emirates will continue to actively participate in and support various humanitarian relief programmes and peacekeeping, reconstruction, rehabilitation and mine clearance operations in a number of conflict-affected areas, with a view to alleviating the suffering of their inhabitants.

We hope that the deliberations of the Security Council on this topic today will contribute to fostering and coordinating international, regional and national efforts aimed at protecting civilians in armed conflict and violent crises, and to the development of tools and applications to that end.

The President (*spoke in French*): There are still a number of speakers remaining on my list for this meeting. Given the lateness of the hour, I intend, with the concurrence of the members of the Council, to suspend the meeting until 3 p.m.

The meeting was suspended at 1.20 p.m.